

BOARD MEETING DATE: January 7, 2022

AGENDA NO. 23

**PROPOSAL:** Certify Final Environmental Assessment for Proposed Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations, Proposed Amended Rule 461 – Gasoline Transfer and Dispensing, and Proposed Amended Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II; Adopt Rule 461.1; and Amend Rules 461 and 219

**SYNOPSIS:** Proposed Rule 461.1 applies to retail and non-retail mobile fuelers that are transferring or dispensing gasoline. Proposed Rule 461.1 will reduce VOC and toxic air contaminant emissions by requiring use of CARB certified equipment for mobile fuelers and specifies other operational, testing, maintenance, recordkeeping, and reporting requirements. Proposed Amended Rule 461 will remove mobile fueling requirements and outdated definitions and provisions. Proposed Amended Rule 219 will require previously exempt gasoline mobile fuelers to be permitted.

**COMMITTEE:** Stationary Source Committee, November 19, 2021, Reviewed

**RECOMMENDED ACTIONS:**

Adopt the attached Resolution:

1. Certifying the Final Environmental Assessment for Proposed Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations, Proposed Amended Rule 461 – Gasoline Transfer and Dispensing, and Proposed Amended Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II; and
2. Adopting Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations, and Amending Rule 461 – Gasoline Transfer and Dispensing, and Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II.

Wayne Natri  
Executive Officer

## **Background**

Rule 461 – Gasoline Transfer and Dispensing was adopted in January 1976 and regulates stationary and mobile gasoline dispensing facilities that dispense into motor vehicles. Rule 461 controls VOC and toxic air contaminant emissions during the filling of storage tanks and when dispensing gasoline from both stationary gasoline dispensing facilities and mobile fuelers into motor vehicles. The primary toxic air contaminants associated with gasoline vapors are benzene, ethyl benzene, and naphthalene, which are carcinogens. Provisions for mobile fueler transfer and dispensing of gasoline have been included in Rule 461 since 1995 and relied on the same approach as stationary gasoline dispensing which requires use of Phase I and Phase II vapor recovery systems that are tested and certified by CARB.

Although Rule 461 includes provisions for mobile fuelers that dispense fuel into motor vehicles, the variation of retail mobile fuelers was not envisioned when these provisions were established over 20 years ago. Rule 461 currently does not require vapor controls for mobile fuelers with a cumulative gasoline capacity of less than 251 gallons or for mobile fuelers using tanks with a capacity of less than 120 gallons that are dispensing gasoline. All these mobile fuelers lack any CARB certified vapor recovery systems, they emit uncontrolled gasoline vapors. Unlike stationary gasoline dispensing facilities that only operate at a specific location, mobile fuelers could operate elsewhere, including near a school. Proposed Rule 461.1 - Gasoline Transfer and Dispensing for Mobile Fueling Operations (PR 461.1) is needed to ensure CARB certified vapor control systems are installed for retail mobile fuelers, to address the current status of CARB certified vapor recovery systems for mobile fuelers, to restrict operation near a school during school hours, and to establish other requirements for retail and non-retail mobile fuelers. PAR 461 is needed to remove all provisions related to mobile fueling as they will be addressed in PR 461.1.

Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II specifies equipment or operations that are exempt from permitting requirements as they have limited or no emissions. Proposed Amended Rule (PAR) 219 is needed align permitting requirements with PR 461.1 for retail mobile fuelers.

## **Proposal**

PR 461.1 establishes requirements for retail mobile fuelers and non-retail mobile fuelers with a cumulative capacity greater than 10 gallons and 120 gallons, respectively, and extends the applicability to include mobile fuelers that dispense gasoline into non-motor vehicles. PR 461.1 minimizes emissions from gasoline vapors by requiring mobile fuelers to be equipped with vapor recovery systems and components that are certified by CARB. The proposal also includes requirements for operation, inspection, repair, testing, and recordkeeping for mobile fuelers.

PR 461.1 temporarily allows mobile fuelers equipped with a CARB certified Phase I vapor recovery system and CARB certified non-vapor recovery components for

dispensing to operate, until a second CARB certified Phase I and Phase II vapor recovery systems for mobile fuelers becomes available. The owner or operator of a mobile fueler operating under the interim operating requirements would be required to dispense gasoline only into motor vehicles equipped with onboard refueling vapor recovery (ORVR) and to maintain additional records for verification. The interim provisions would be effective until 60 months after the Executive Officer has issued a notification that two mobile fuelers equipped with Phase I and Phase II vapor recovery systems have been certified by CARB and are available. PR 461.1 has additional labeling, notification, testing, recordkeeping, and reporting requirements to ensure that requirements for mobile fueling operations can be properly enforced.

As mobile fueling would now be addressed in PR 461.1, PAR 461 would remove provisions pertaining to mobile fuelers. PAR 461 would also address outdated definitions and provisions. The objective of PAR 219 is to address previously exempt retail and non-retail mobile fuelers to be consistent with PR 461.1 and PAR 461 and would require a permit to operate for retail mobile fuelers greater than 10 gallons.

### **Public Process**

Development of PR 461.1, PAR 461, and PAR 219 has been conducted through a public process. A working group was established that included industry representatives, equipment vendors, affected facilities, environmental and community groups, and other agencies to discuss the proposed rule and to allow stakeholders to provide input during the rule development process. Staff held nine virtual working group meetings: September 2, 2020, December 16, 2020, March 18, 2021, June 2, 2021, June 24, 2021, August 4, 2021, September 22, 2021, November 9, 2021, and December 2, 2021. A Public Workshop was held on October 27, 2021.

### **Key Issues**

Throughout the rulemaking process, staff has worked with stakeholders to address a variety of issues. A representative from Ultra Violet Electron Beam (UV/EB) curing technologies requested that staff include additional exemptions in Rule 219 to address their technology. Since the public noticing for this proposed rulemaking was focused on mobile fueling, the Board directed staff to initiate rulemaking for Rule 219 to address comments regarding permitting exemptions for UV/EB technologies. As a result, the adoption Resolution includes a commitment to initiate rulemaking in the first quarter of 2022 for Rule 219 to address UV/EB technologies. Staff is not aware of any other remaining issues.

### **AQMP and Legal Mandates**

South Coast AQMD is required to adopt an AQMP demonstrating compliance with all federal regulations and standards. South Coast AQMD is required to adopt rules and regulations that carry out the objectives of the AQMP. PR 461.1, PAR 461, and PAR 219 are not control measures in the 2016 AQMP but are needed to minimize VOC and

toxic air contaminant emissions from gasoline vapors from mobile fuelers and to close a regulatory gap for previously exempt retail and non-retail mobile fuelers.

### **California Environmental Quality Act**

Pursuant to the California Environmental Quality Act (CEQA) and South Coast AQMD's Certified Regulatory Program (Public Resources Code Section 21080.5 and CEQA Guidelines Section 15251(l); codified in South Coast AQMD Rule 110) and CEQA Guidelines Section 15070, the South Coast AQMD as lead agency, has prepared an Environmental Assessment (EA) with less than significant impacts for the proposed project. The EA is a substitute CEQA document prepared in lieu of a Negative Declaration. A Draft EA was released for a 30-day public comment and review period from November 24, 2021 to December 24, 2021. Two comment letters were received, and responses to those letters have been incorporated into the Final EA. The Final EA concluded that the proposed project would not generate any significant adverse environmental impacts. The Final EA is included as an attachment to this Board package (Attachment H).

### **Socioeconomic Assessment**

Proposed Amended Rules 461 and 219 and Proposed Rule 461.1 are expected to affect eighty mobile fuelers across thirty-eight facilities in South Coast AQMD's jurisdiction. Mobile fuelers that are not equipped with vapor recovery systems are expected to incur slight increased costs for conversion to meet PAR 461 requirements, but the number of operational units is presently indeterminate. Costs related to PR 461.1 are expected to be minimal due to the overlap with existing requirements for Rule 461.

The jobs and other regional economic impacts of the Proposed Amended Rules 461 and 219 and Proposed Rule 461.1 are expected to be minimal.

### **Implementation Resource Impacts**

Existing staff resources will be used to implement PR 461.1 and PARs 461 and 219.

### **Attachments**

- A. Summary of Proposal
- B. Key Issues and Responses
- C. Rule Development Process
- D. Key Contacts List
- E. Resolution
- F-1. Proposed Rule 461.1
- F-2. Proposed Amended Rule 461
- F-3. Proposed Amended Rule 219
- G. Final Staff Report
- H. Environmental Assessment
- I. Board Meeting Presentation

**ATTACHMENT A**  
**SUMMARY OF PROPOSAL**

Proposed Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations

Purpose and Applicability

- Reduce emissions of volatile organic compounds and toxic air contaminant emissions from retail and non-retail mobile fueling operations
- Also applies to persons conducting testing, installation, repairs, or maintenance on mobile fuelers as well as suppliers, sellers, and manufacturers of CARB certified equipment

Vapor Recovery Requirements for Mobile Fuelers

- Mobile fuelers must be equip with CARB certified Phase I and Phase II vapor recovery systems
- Allows temporary use of non-vapor recovery components for gasoline dispensing on a mobile fueler that is CARB certified with an Executive Order, until a second CARB certified Phase II vapor recovery system is available
- No later than 60 months of notification by the Executive Officer that CARB has certified at least two mobile fuelers with Phase II vapor recovery, owner or operator must replace non-vapor recovery mobile fueler with Phase II vapor recovery mobile fueling system

Mobile Fueler and Operational Requirements

- Limits cumulative capacity to 5,000 gallons
- Must be equipped with non-resettable totalizer
- Limit of one portable fuel container onboard the mobile fueler
- Follow “out of order” Protocols, operate equipment according to manufacturer and applicable CARB Executive Order, and prohibits top loading of gasoline into cargo tank
- Requires documentation of fire authority approval prior to dispensing
- Must post signs on both sides of the mobile fueler with the South Coast AQMD Complaint Line
- Incorporate applicable installation, maintenance, and repair requirements from Rule 461

Mobile Fueling Location Requirements

- Operator must notify Executive Officer of dispensing location to ensure only one mobile fueling company per location within the same calendar month
- Prohibits operation where location is within 1,000 ft of a school between the hours of 7:30 am to 4:30 pm, on days when the school is in session

Other Requirements

- Daily maintenance inspections and periodic compliance inspections
- Testing and employee training program
- Recordkeeping requirement for transfer and dispensing and maintenance of mobile fueler and additional recordkeeping if mobile fueler is not equipped with Phase 2 vapor recovery
- Incorporates applicable testing requirements from Rule 461
- Reporting requirements for dispensing locations and public street dispensing for an emergency

Exemptions

- Exempt from PR 461.1 requirements testing equipment used to verify efficiency of vapor recovery systems
- Exempt from motor vehicle gasoline dispensing requirements Tournament of Roses parade floats
- Delay transfer, self-compliance program, recordkeeping, reporting requirements and mobile fueling location requirements until July 1, 2022

## Proposed Amended Rule 461 – Gasoline Transfer and Dispensing

Removed mobile fueler provisions from the rule

### Applicability

- Removed mobile fueler

### Equipment and Operation Requirements

- Removed provision for CARB certified coaxial fill tubes for Aboveground Storage Tanks

### Additional Requirements

- Modified Phase II vapor recovery system alternative compliance provisions to reflect recent CARB Executive Order

### Attachment C

- Removed Phase II vapor recovery system inspection requirements for aspirator-assist systems

## Proposed Amended Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II

### Storage and Transfer Equipment

- Removed mobile fuelers of any gasoline capacity from general storage exemption
- Added exemption for retail mobile fuelers with a cumulative capacity of 10 gallons or less of gasoline
- Added exemption for non-retail mobile fuelers with a cumulative capacity of 120 gallons or less of gasoline
- Added interim exemptions, until July 1, 2022, for mobile fuelers previously exempt to allow owner or operators time to obtain permits to operate

**ATTACHMENT B**  
**KEY ISSUES AND RESPONSES**

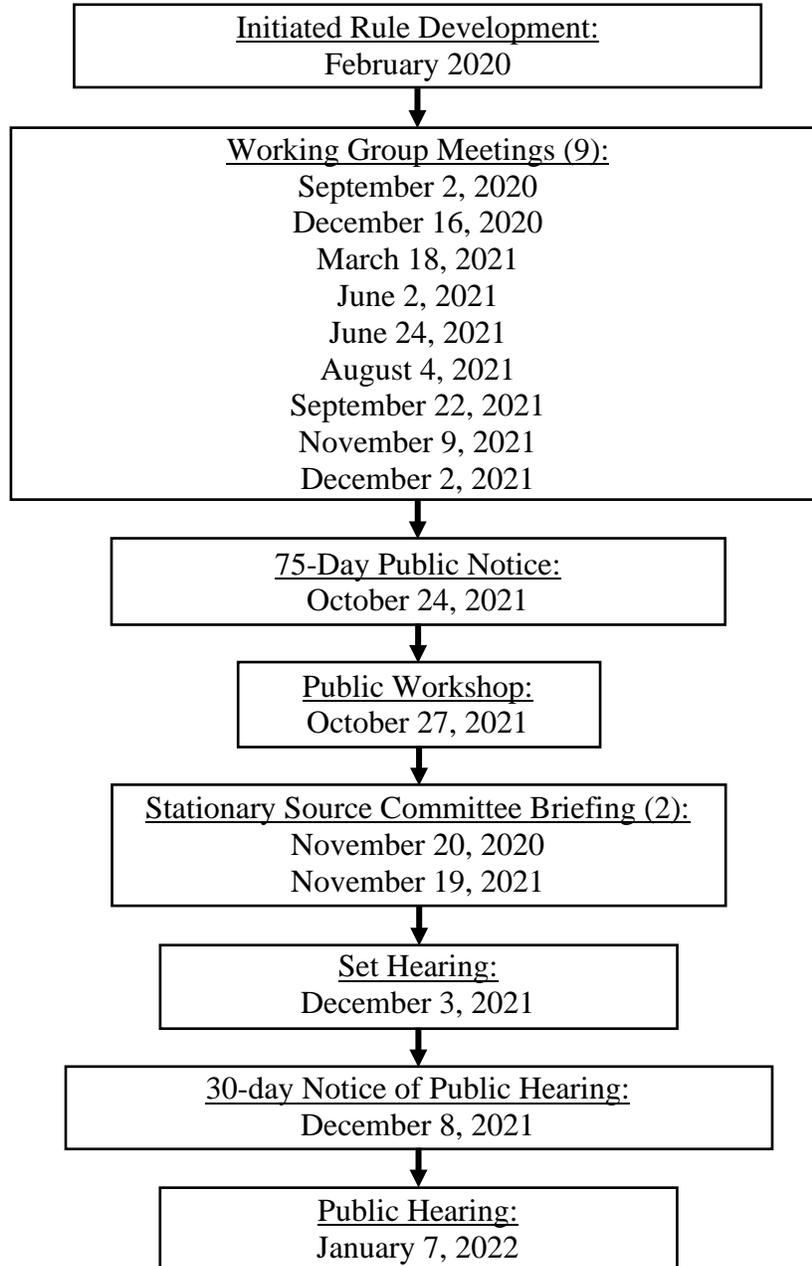
Proposed Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations  
Proposed Amended Rule 461 – Gasoline Transfer and Dispensing  
Proposed Amended Rule 219 – Equipment Not Requiring a Written Permit Pursuant to  
Regulation II

Through the rulemaking process staff has worked with stakeholders to address a variety of issues. Staff is not aware of any remaining key issues related to gasoline transfer and dispensing operations.

Staff received comments to amend Rule 219 for equipment not related to gasoline transfer and dispensing equipment, including UV/EB equipment used to cure coatings. Staff will begin separate rulemaking for Rule 219 in the first quarter of 2022.

**ATTACHMENT C  
RULE DEVELOPMENT PROCESS**

**Proposed Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations,  
Proposed Amended Rule 461 – Gasoline Transfer and Dispensing  
Proposed Amended Rule 219 – Equipment Not Requiring a Written Permit Pursuant to  
Regulation II**



**Twenty-two (22) months spent in rule development.**  
**One (1) Public Workshop.**  
**Two (2) Stationary Source Committee Meeting Briefings.**  
**Nine (9) Working Group Meetings.**

**ATTACHMENT D**  
**KEY CONTACTS LIST**

- Booster Fuels, Inc
- California Air Resources Board
- Californians for Smart Fueling
- California Small Business Alliance
- Consumer Portable Fuel Container Manufacturer's Association
- EMCO Wheaton Retail Corporation
- Franzen-Hill Corporation
- Fuelster
- Los Angeles County Sanitation Districts
- Los Angeles Department of Water and Power
- McLellan Industries
- Northrop Grumman Aerospace Systems
- Public Solar Power Coalition
- Rawlings Consulting
- Saint Clair Systems, Inc.
- Southern California Alliance of Publicly Owned Treatment Works
- Southern California Edison
- Transfer Flow, Inc.

## ATTACHMENT E

### RESOLUTION NO. 22-\_\_\_\_

**A Resolution of the Governing Board of the South Coast Air Quality Management District (South Coast AQMD) certifying the Final Environmental Assessment for Proposed Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations, Proposed Amended Rule 461 – Gasoline Transfer and Dispensing, and Proposed Amended Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II.**

**A Resolution of the South Coast AQMD Governing Board adopting Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations, amending Rule 461 – Gasoline Transfer and Dispensing, and amending Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II.**

**WHEREAS**, the South Coast AQMD Governing Board finds and determines that Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219 are considered a “project” as defined by the California Environmental Quality Act (CEQA); and

**WHEREAS**, the South Coast AQMD has had its regulatory program certified pursuant to Public Resources Code Section 21080.5 and CEQA Guidelines Section 15251(l) and has conducted a CEQA review and analysis of the proposed project pursuant to such program (South Coast AQMD Rule 110); and

**WHEREAS**, the South Coast AQMD Governing Board has determined that the requirements for a Negative Declaration have been triggered pursuant to its Certified Regulatory Program and CEQA Guidelines Section 15070, and that an Environmental Assessment (EA), a substitute document allowed pursuant to CEQA Guidelines Section 15252 and South Coast AQMD’s Certified Regulatory Program, is appropriate; and

**WHEREAS**, the South Coast AQMD prepared a Draft EA pursuant to its Certified Regulatory Program and CEQA Guidelines Sections 15070 and 15252 setting forth the potential environmental consequences of Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219 and determined that the proposed project would not have the potential to generate significant adverse environmental impacts; and

**WHEREAS**, the Draft EA was circulated for a 30-day public review and comment period from November 24, 2021 to December 24, 2021, and two comment letters were received; and

**WHEREAS**, the Draft EA has been revised to include the comment letters received on the Draft EA and the responses, so that it is now a Final EA; and

## ATTACHMENT E

**WHEREAS**, it is necessary that the South Coast AQMD Governing Board review the Final EA prior to its certification, to determine that it provides adequate information on the potential adverse environmental impacts that may occur as a result of adopting Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219, including the responses to the comment letters received relative to the Draft EA; and

**WHEREAS**, pursuant to CEQA Guidelines Section 15252 (a)(2)(B), since no significant adverse impacts were identified, no alternatives or mitigation measures are required for project approval; thus, a Mitigation, Monitoring, and Reporting Plan pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097, has not been prepared; and

**WHEREAS**, Findings pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091 and a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093 were not prepared because the analysis shows that the proposed project would not have a significant adverse effect on the environment, and thus, are not required; and

**WHEREAS**, the South Coast AQMD Governing Board that is voting to adopt Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219 has reviewed and considered the information contained in the Final EA, including the responses to the comment letters, and all other supporting documentation, prior to its certification, and has determined that the Final EA, including the responses to the comment letters received, has been completed in compliance with CEQA; and

**WHEREAS**, Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219 and supporting documentation, including but not limited to, the Final EA, and the Final Staff Report, which includes a Socioeconomic Impact Assessment, were presented to the South Coast AQMD Governing Board and the South Coast AQMD Governing Board has reviewed and considered this information, as well as has taken and considered staff testimony and public comment prior to approving the project; and

**WHEREAS**, the Final EA reflects the independent judgement of the South Coast AQMD; and

**WHEREAS**, the South Coast AQMD Governing Board finds and determines that all changes made in the Final EA after the public notice of availability of the Draft EA, were not substantial revisions and do not constitute significant new information within the meaning of CEQA Guidelines Sections 15073.5 and 15088.5, because no new significant effects were identified, and no new project conditions or mitigation measures were added, and all changes merely clarify, amplify, or make insignificant modifications to the Draft EA, and recirculation is therefore not required; and

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**WHEREAS**, the South Coast AQMD Governing Board finds and determines, taking into consideration the factors in Section (d)(4)(D) of the Governing Board Procedures (codified as Section 30.5(4)(D)(i) of the Administrative Code), that the modifications to Proposed Rule 461.1, since the notice of public hearing was published include capitalizing defined terms and removing capitalization of undefined terms; adding or removing “a” and “the”; added comma in subparagraph (f)(5)(A) and (i)(1)(A) for clarification; corrected paragraph (g)(3) by removing “hours” and paragraph (h)(3) by removing “which”; correcting a references in subparagraphs (d)(4)(B) and (l)(7)(C), paragraphs (i)(6) and (i)(8), and clauses (k)(10)(B)(iv) and (k)(10)(B)(v); corrected the effective date in paragraph (m)(1) from February 1, 2022 to July 1, 2022 to be consistent with paragraph (n)(5) that has an effective date of July 1, 2022; and deleting “at” from B-5 in Attachment B. These revisions meet the same air quality objective and are not so substantial as to significantly affect the meaning of the proposed rule within the meaning of Health and Safety Code Section 40726 because: (a) the changes do not impact emission reductions, (b) the changes do not affect the number or type of sources regulated by the proposed rule, (c) the changes are consistent with the information contained in the notice of public hearing, and (d) the consideration of the range of CEQA alternatives is not applicable because the proposed project, which also includes Proposed Amended Rule 461 and Proposed Amended Rule 219, does not cause significant impacts and therefore, alternatives are not required; and

**WHEREAS**, the South Coast AQMD Governing Board has determined that the Socioeconomic Impact Assessment for Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219 is consistent with the March 17, 1989 Governing Board Socioeconomic Resolution for rule adoption; and

**WHEREAS**, the South Coast AQMD Governing Board has determined that the Socioeconomic Impact Assessment for Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219 is consistent with the provisions of Health and Safety Code Sections 40440.8 and 40728.5, and that Health and Safety Code Section 40920.6 is not applicable to rules regulating toxic air contaminants; and

**WHEREAS**, the South Coast AQMD Governing Board has determined that Proposed Amended Rules 461 and 219 do not impose any additional costs to the affected industries. Proposed Rule 461.1 will result in minimal increased costs, yet are considered to be reasonable, as specified in the Socioeconomic Impact Assessment, as contained in the Final Staff Report of Proposed Amended Rules 461 and 219 and Proposed Rule 461.1; and

**WHEREAS**, the South Coast AQMD Governing Board has actively considered the Socioeconomic Impact Assessment and has made a good faith effort to minimize such impacts; and

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**WHEREAS**, the South Coast AQMD staff conducted one Public Workshop regarding Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219 on October 27, 2021; and

**WHEREAS**, Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219 will not be submitted for inclusion into the State Implementation Plan; and

**WHEREAS**, Health and Safety Code Section 40727 requires that prior to adopting, amending or repealing a rule or regulation, the South Coast AQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the Final Staff Report; and

**WHEREAS**, the South Coast AQMD Governing Board has determined that a need exists to adopt Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219 to further protect public health by lowering the cumulative gasoline capacity for vapor recovery requirements to close a regulatory gap and requiring recordkeeping to ensure health risks are not exceeded at any dispensing location; and

**WHEREAS**, the South Coast AQMD Governing Board obtains its authority to adopt, amend or repeal rules and regulations from Sections 39002, 40000, 40001, 40440, 40441, 40506, 40510, 40522, 40702, 40725 through 40728, 41508, 41510, 41511, 41700, 42300 et seq. of the Health and Safety Code, and Federal Clean Air Act Section 116; and

**WHEREAS**, the South Coast AQMD Governing Board has determined that Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219 are written or displayed so that the meanings can be easily understood by the persons directly affected by them; and

**WHEREAS**, the South Coast AQMD Governing Board has determined that Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219 are in harmony with and not in conflict with or contradictory to, existing statutes, court decisions or state or federal regulations; and

**WHEREAS**, the South Coast AQMD Governing Board has determined that Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219 do not impose the same requirements as any existing state or federal regulations, and Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219 are necessary and proper to execute the powers and duties granted to, and imposed upon, South Coast AQMD; and

**WHEREAS**, the South Coast AQMD Governing Board, in adopting Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219,

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references the following statutes which the South Coast AQMD hereby implements, interprets, or makes specific: Health and Safety Code Sections 39650 et seq., 39656 et seq., 41510, 41700, 41950, 41954, 42300 et seq., and Federal Clean Air Act Section 116; and

**WHEREAS**, Health and Safety Code Section 40727.2 requires the South Coast AQMD to prepare a written analysis of existing federal air pollution control requirements applicable to the same source type being regulated whenever it adopts, or amends a rule, and the South Coast AQMD's comparative analysis of Proposed Rule 461.1 and Proposed Amended Rule 461 is included in the Final Staff Report; and

**WHEREAS**, a public hearing has been properly noticed in accordance with the provisions of Health and Safety Code Sections 40725 and 40440.5; and

**WHEREAS**, the South Coast AQMD Governing Board has held a public hearing in accordance with all applicable provisions of state and federal law; and

**WHEREAS**, the South Coast AQMD specifies that the Assistant Deputy Executive Officer overseeing the development of Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219 as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of the Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219 is based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California; and

**NOW, THEREFORE BE IT RESOLVED**, that the South Coast AQMD Governing Board directs staff to initiate rulemaking on Rule 219 to consider amendments related to use of ultra violet, electron beam, and light emitting diode curing technologies; and

**BE IT FURTHER RESOLVED**, that the South Coast AQMD Governing Board has considered the Final EA for Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219 together with all comments received during the public review period, and, on the basis of the whole record before it, the South Coast AQMD Governing Board: 1) finds that the Final EA, including the responses to the comment letters, was completed in compliance with CEQA and the South Coast AQMD's Certified Regulatory Program, 2) finds that the Final EA and all supporting documents were presented to the South Coast AQMD Governing Board, whose members exercised their independent judgment and reviewed, considered and approved the information therein prior to acting on Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219, and 3) certifies the Final EA; and

**BE IT FURTHER RESOLVED**, that because no significant adverse environmental impacts were identified as a result of adopting Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219, Findings, a Statement of

**ATTACHMENT E**

Overriding Considerations, and a Mitigation, Monitoring, and Reporting Plan are not required and were not prepared; and

**BE IT FURTHER RESOLVED**, that the South Coast AQMD Governing Board does hereby adopt, pursuant to the authority granted by law, Proposed Rule 461.1, Proposed Amended Rule 461, and Proposed Amended Rule 219 as set forth in the attached, and incorporated herein by reference.

DATE: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF THE BOARDS



- (6) CUMULATIVE CAPACITY means the Mobile Fueler's combined storage capacity of each Cargo Tank that is on a Mobile Fueler at a given time, excluding one individual portable fuel container with a capacity up to 6.6 gallons.
- (7) DISPENSE or DISPENSING means the Transfer of Gasoline from a Mobile Fueler into a Motor Vehicle, equipment, or container using a nozzle or spout.
- (8) DISPENSING LOCATION means one or more contiguous properties, in actual physical contact or separated solely by a public roadway or other public right-of-way, owned or operated by the same person (or by persons under common control), in which Gasoline is dispensed from a Mobile Fueler.
- (9) DRY BREAK means a Phase I Vapor Recovery System component that opens only by connection to a mating device to ensure that no Gasoline Vapors escape from the storage tank before the vapor return line is connected and sealed.
- (10) EMERGENCY means any sudden, unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate the loss of, or damage to, life, health, property, or essential public services caused by either air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake.
- (11) GASOLINE means any petroleum distillate or petroleum distillate and alcohol blend having a True Vapor Pressure greater than 200 mm Hg (3.9 psi) and less than 760 mm Hg (14.7 psi) at 100 degrees F as determined by ASTM Method D323-89.
- (12) GASOLINE VAPORS are the organic compounds in vapor form displaced during Gasoline Transfer and Dispensing operations and includes entrained liquid Gasoline.
- (13) INSERTION INTERLOCK MECHANISM means any CARB Certified mechanism that ensures a tight fit at the nozzle fill pipe interface and prohibits the Dispensing of Gasoline unless the bellows are compressed.
- (14) INSTALLER OR CONTRACTOR means a person(s) engaged in the installation of new or alterations of an existing CARB Certified Control Equipment and the associated components thereof.

- (15) LIQUID TIGHT means a liquid leak rate not exceeding three drops per minute.
- (16) MOBILE FUELER means a Motor Vehicle that has one or more Cargo Tanks on-board or tows one or more Cargo Tanks.
- (17) MOTOR VEHICLE means a self-propelled vehicle by which any person or property may be propelled, moved, or drawn upon a highway.
- (18) NON-RETAIL MOBILE FUELER means a Mobile Fueler with a Cumulative Capacity greater than 120 gallons and the owner or operator of the Mobile Fueler is not compensated for the Transfer or Dispensing of gasoline.
- (19) NON-VAPOR RECOVERY COMPONENTS FOR DISPENSING means dispensing components that consist of low permeation conventional hose assemblies and enhanced conventional nozzles installed on a Mobile Fueler.
- (20) PERFORMANCE TEST means the first test or series of tests performed on a new or altered CARB Certified Phase I Vapor Recovery System or CARB Certified Phase II Vapor Recovery System to demonstrate compliance with the CARB Executive Order and South Coast AQMD permit to operate conditions upon completion of construction or alteration of the vapor recovery system.
- (21) PHASE I VAPOR RECOVERY SYSTEM means a system installed on a Mobile Fueler Cargo Tank for the collection and recovery of Gasoline Vapors displaced or emitted during the Transfer of Gasoline into and from a Mobile Fueler Cargo Tank.
- (22) PHASE II VAPOR RECOVERY SYSTEM means a system installed on a Mobile Fueler Cargo Tank for the collection and recovery of Gasoline Vapors displaced or emitted during the Dispensing of Gasoline from a Mobile Fueler Cargo Tank into a Motor Vehicle fuel tank.
- (23) QUALIFIED MANUFACTURER means the original equipment manufacturer of the CARB Certified Control Equipment or any associated component thereof, or a rebuilder who is authorized by CARB to Rebuild the designated CARB Certified component.

- (24) REBUILD means an action that repairs, replaces, or reconstructs any part of a component of a CARB Certified Control Equipment that forms the Gasoline Vapor passage of the component, or that comes in contact with the recovered Gasoline Vapors in the component. Rebuild does not include the replacement of a complete component with another CARB Certified complete component; nor does it include the replacement of a spout, bellows, or vapor guard of a CARB Certified nozzle.
- (25) RETAIL MOBILE FUELER means a Mobile Fueler with a Cumulative Capacity greater than 10 gallons and the owner or operator of the Mobile Fueler is compensated for the Transfer or Dispensing of Gasoline.
- (26) REVERIFICATION TEST means a test or series of tests performed subsequent to the Performance Test on a CARB Certified Phase I Vapor Recovery System or a CARB Certified Phase II Vapor Recovery System to demonstrate compliance with the CARB Executive Order and South Coast AQMD permit to operate conditions.
- (27) SCHOOL means any public or private school, including juvenile detention facilities with classrooms, used for the education of more than 12 children at the school in kindergarten through grade 12. A School also includes an Early Learning and Developmental Program by the U.S. Department of Education or any state or local early learning and development programs such as preschools, Early Head Start, Head Start, First Five, and Child Development Centers. A School does not include any private school in which education is primarily conducted in private homes. The term School includes any building or structure, playground, athletic field, or other area of School property.
- (28) SPILL BOX means an enclosed container around a Phase I Vapor Recovery System fill pipe that is designed to collect Gasoline spillage resulting from disconnection between the liquid Gasoline delivery hose and the fill pipe.
- (29) TRANSFER means the loading of Gasoline into a Mobile Fueler or unloading Gasoline out of a Mobile Fueler, except when Dispensing.
- (30) VAPOR CHECK VALVE means a valve that opens and closes the vapor passage to the Cargo Tank to prevent Gasoline Vapors from escaping when the nozzle is not in use.
- (31) VAPOR TIGHT means the detection of less than 10,000 ppm hydrocarbon concentration, as determined by EPA Method 21, using an appropriate analyzer calibrated with methane.

(d) Vapor Recovery Requirements for Mobile Fuelers

(1) Gasoline Transfer (Phase I Vapor Recovery)

The owner or operator of a Retail Mobile Fueler or Non-Retail Mobile Fueler shall not Transfer Gasoline unless each Mobile Fueler Cargo Tank, excluding one individual portable fuel container with a capacity up to 6.6 gallons of gasoline, is equipped with a CARB Certified Phase I Vapor Recovery System certified pursuant to CARB's CP-204, Certification Procedures for Vapor Recovery Systems of Cargo Tanks.

(2) Motor Vehicle Gasoline Dispensing (Phase II Vapor Recovery)

The owner or operator of a Retail Mobile Fueler or Non-Retail Mobile Fueler shall not Dispense Gasoline into a Motor Vehicle unless:

- (A) Each Mobile Fueler Cargo Tank, excluding one individual portable fuel container with a capacity up to 6.6 gallons of gasoline, is equipped with a CARB Certified Phase II Vapor Recovery System certified pursuant to CARB's CP-205, Certification Procedure for Vapor Recovery Systems of Novel Facilities, using TP-205.2, Test Procedure for Determination of Efficiency of Phase II Vapor Recovery of Novel Facilities, to be capable of recovering or processing displaced Gasoline Vapors by at least 95%, or having an emission factor not exceeding 0.38 pounds per 1,000 gallons, as applicable;
- (B) CARB has issued an Executive Order certifying the Mobile Fueler;
- (C) The CARB Certified Phase II Vapor Recovery System and the associated components thereof are Vapor Tight and Liquid Tight while Dispensing Gasoline into a Motor Vehicle;
- (D) Each nozzle is equipped with a CARB Certified Insertion Interlock Mechanism and a CARB Certified Vapor Check Valve that is located in the nozzle; and
- (E) Each Gasoline-Dispensing nozzle is equipped with a Coaxial Hose as specified in the applicable CARB Executive Order.

- (3) In lieu of compliance with paragraph (d)(2), an owner or operator may temporarily use a CARB Certified Mobile Fueler equipped with Non-Vapor Recovery Components for Gasoline Dispensing, certified pursuant to CARB's CP-205, Certification Procedure for Vapor Recovery Systems of Novel Facilities, provided the owner or operator:

- (A) Does not Dispense into anything other than a Motor Vehicle equipped with an onboard refueling vapor recovery (ORVR) system;
  - (B) Has an Executive Order issued by CARB certifying the Mobile Fueler;
  - (C) In addition to the recordkeeping required by subdivision (k), for each occurrence that the Mobile Fueler Dispenses Gasoline into a Motor Vehicle, records the following vehicle information:
    - (i) License plate;
    - (ii) Make;
    - (iii) Model;
    - (iv) Year;
    - (v) Vehicle identification number; and
  - (D) On or before the 20th of each calendar month, provides the monthly Gasoline dispensing records required by subparagraph (d)(3)(C) for the previous calendar month to the Executive Officer in an approved format.
- (4) No later than 60 months after the Executive Officer issues a notification that CARB has certified at least two Mobile Fuelers equipped with a Phase II Vapor Recovery Systems, the owner or operator of a Mobile Fueler shall:
- (A) Operate a Mobile Fueler that Dispenses Gasoline into a Motor Vehicle that meets the requirements of paragraphs (d)(2); and
  - (B) Not operate a Mobile Fueler that was temporarily allowed to operate in lieu of compliance with paragraph (d)(3~~2~~).
- (e) Mobile Fueling Cargo Tank Requirements
- (1) The owner or operator of a Retail Mobile Fueler or Non-Retail Mobile Fueler shall not Dispense Gasoline into a Motor Vehicle unless the Mobile Fueler's Cumulative Capacity does not exceed 5,000 gallons.
  - (2) The owner or operator of a Retail Mobile Fueler shall not Dispense Gasoline unless equipped with a non-resettable totalizer that accurately registers the quantity of Gasoline Dispensed from the Mobile Fueler, except the Gasoline Dispensed from one individual portable fuel container with a capacity up to 6.6 gallons of Gasoline.
  - (3) The owner or operator of a Retail Mobile Fueler or Non-Retail Mobile Fueler shall not have more than one individual portable fuel container with a capacity up to 6.6 gallons of Gasoline on-board the Mobile Fueler.

(f) Operational Requirements

- (1) The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall not store Gasoline in open container(s) of any size or handle Gasoline in any manner (spillage, spraying, etc.) that allows Gasoline liquid or Gasoline Vapors to enter the atmosphere, contaminate the ground, or the sewer.
- (2) The owner or operator of a Mobile Fueler shall not equip nor use a Dispensing hose that exceeds 75 feet in length.
- (3) Dispensing of Gasoline from a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall only be conducted by the owner or operator of the Mobile Fueler.
- (4) The owner or operator of a Mobile Fueler that receives a South Coast AQMD “Out of Order” tag shall comply with Attachment A – Out of Order Protocol.
- (5) CARB Certified Equipment Requirements  
The owner or operator of a Mobile Fueler with a Cargo Tank equipped with CARB Certified Control Equipment shall:
  - (A) Operate the CARB Certified Control Equipment, and the associated components thereof in accordance with the manufacturer's specifications and the applicable CARB Executive Orders including the corresponding CARB approved Installation, Operation, and Maintenance Manual;
  - (B) Maintain all applicable vapor return lines connected to the Mobile Fueler;
  - (C) Operate and maintain the CARB Certified Phase I Vapor Recovery System and the CARB Certified Phase II Vapor Recovery System with no major defect which means a defect listed in California Code of Regulations, Title 17, Part III, Chapter 1, Subchapter 8, Section 94006;
  - (D) If equipped with a CARB Certified Phase II Vapor Recovery System, maintain the CARB Certified Phase II Vapor Recovery System and the associated components thereof Vapor Tight and Liquid Tight;
  - (E) If equipped with CARB Certified Non-Vapor Recovery Components for Dispensing, maintain the CARB Certified Non-Vapor Recovery

Components for Dispensing and the associated components thereof  
Liquid Tight;

- (F) Maintain the CARB Certified Phase I Vapor Recovery System and the associated components thereof to be Vapor Tight and Liquid Tight, except when the Cargo Tank dome hatch is open;
- (G) Only Transfer or allow the Transfer of Gasoline through bottom loading into the Cargo Tank of a Mobile Fueler from a facility equipped with a CARB Certified Phase I Vapor Recovery System;
- (H) Not top load into a Cargo Tank of a Mobile Fueler;
- (I) Equip all fill tubes with Vapor Tight caps;
- (J) Equip all Dry Breaks with Vapor Tight seals and Vapor Tight caps;
- (K) Maintain each Vapor Tight cap in a closed position, except when the fill tube or Dry Break it serves is actively in use;
- (L) Equip each Cargo Tank and, if applicable, each Cargo Tank compartment with an overfill protection device that is designed to automatically close valves or shut down pumps to stop the Transfer of Gasoline;
- (M) If equipped with a CARB Certified Spill Box, maintain the CARB Certified Spill Box to be free of debris and other foreign matter at all times and only allow standing liquid immediately preceding a Gasoline Transfer;
- (N) Keep the Cargo Tank dome hatch closed and latched, unless the owner or operator must access the interior of the Cargo Tank for scheduled maintenance and repairs that has been documented in the repair logs pursuant to subparagraph (k)(10)(B) prior to opening the Cargo Tank dome hatch;
- (O) Keep the Cargo Tank dome hatch closed and latched when Transferring or Dispensing Gasoline;
- (P) If a Breakaway Coupling is installed, only install a Breakaway Coupling that is CARB Certified; and
- (Q) Equip any Breakaway Coupling with a poppet valve, which shall close and maintain both the Gasoline Vapor and liquid lines Vapor Tight and Liquid Tight when the Breakaway Coupling is separated.

(g) Mobile Fueling Location Requirements

- (1) The owner or operator of a Retail Mobile Fueler shall not Transfer or Dispense Gasoline at a Dispensing Location unless documentation was submitted pursuant to paragraph (m)(1) for that Dispensing Location.
- (2) The owner or operator of a Retail Mobile Fueler shall not Transfer or Dispense Gasoline at a Dispensing Location where a different owner or operator of a Retail Mobile Fueler has Transferred or Dispensed gasoline during the same calendar month.
- (3) The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler that Dispenses Gasoline at a Dispensing Location that is 1,000 feet or less from a School, as measured from the property line of the School to the property line of the Dispensing Location, shall not Dispense Gasoline ~~hours~~ between the hours of 7:30 a.m. and 4:30 p.m. on days when the School is in session.
- (4) The owner or operator of a Retail Mobile Fueler shall not Transfer or Dispense Gasoline at a Dispensing Location, unless:
  - (A) The Dispensing Location is approved for operation of a Retail Mobile Fueler in writing by the responsible fire department or other designated fire authority; or
  - (B) A statement in writing from the responsible fire authority, city, or county that approval is not required has been provided to the Executive Officer.
- (5) The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall not Transfer or Dispense Gasoline on a public street, unless Dispensing into a Motor Vehicle or equipment that is responding to an Emergency or maintaining public infrastructure.
- (6) The owner or operator of a Retail Mobile Fueler shall only Transfer or Dispense Gasoline into a Motor Vehicle, equipment, or container that is located at the same Dispensing Location as the Mobile Fueler.

(h) Labeling Requirements for Mobile Fuelers

The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall post and maintain signage on a Mobile Fueler that meets the following:

- (1) States, “IF YOU SMELL ODORS OR OBSERVE GASOLINE LEAKS, CALL THE SOUTH COAST AQMD AT 1-800-CUT-SMOG”;

- (2) Located on both sides of the Mobile Fueler; and
  - (3) Written in letters which are at least 3 inches in height and contrast against the background color.
- (i) Installation, Maintenance, and Repair Requirements
- (1) The owner or operator of a Mobile Fueler with a Cargo Tank equipped with CARB Certified Control Equipment shall:
    - (A) Maintain the CARB Certified Control Equipment in accordance with the manufacturer's specifications and the applicable CARB Executive Orders including the corresponding CARB approved Installation, Operation, and Maintenance Manual;
    - (B) Within seven days, repair or replace any component in the CARB Certified Control Equipment with a minor defect, which is not a major defect which means a defect listed in California Code of Regulations, Title 17, Part III, Chapter 1, Subchapter 8, Section 94006, pursuant to Section 41960.2(e) of the California Health and Safety Codes;
    - (C) Not replace any component of the CARB Certified Control Equipment with a component that is not CARB Certified for use with the particular system;
    - (D) Maintain any CARB Certified component as supplied by the Qualified Manufacturer, except if there was a repair or maintenance of the Gasoline Transfer and Dispensing equipment or Phase I Vapor Recovery system or Phase II Vapor Recovery System component that would restore the function or performance of such equipment/component following the Qualified Manufacturer's instructions and using only the applicable CARB Certified parts supplied by the Qualified Manufacturer; and
    - (E) Only allow a person who is authorized by CARB to Rebuild the CARB Certified component.

- (2) The owner or operator of a Mobile Fueler equipped with CARB Certified Control Equipment shall not repair or replace Bbreakaways, hoses, and nozzles with new or CARB Certified re-manufactured components of the same make and model, or alternative(s) specifically identified in the latest applicable CARB Executive Order without first successfully completing any relevant state certification program, through the International Code Council (ICC), or any equivalent state certification program required for the replacement of components.
- (3) Any Installer or Contractor shall not install, alter, repair, or replace CARB Certified Control Equipment, or any associated component thereof without first obtaining the applicable manufacturer's certification. This requirement shall not apply to the manufacturer of the Mmobile Fueler.
- (4) Any Installer or Contractor shall not install, alter, repair, or replace CARB Certified Control Equipment, or any associated component thereof without first successfully completing any applicable state certification program, through the International Code Council (ICC), or any equivalent state certification program required for the installation and alteration of a vapor recovery system.
- (5) A person shall not supply, offer for sale, sell, install, or allow the installation of Control Equipment or the associated components thereof, unless all of the following are met:
  - (A) The Control Equipment and the associated components thereof are CARB Certified;
  - (B) The CARB Certified Control Equipment and the associated components thereof have the following information either directly stamped on or attached to the component using methods or materials that would endure long term use:
    - (i) Qualified Manufacturer name;
    - (ii) Model number;
    - (iii) For nozzles, Qualified Manufacturer's unique serial number; and
    - (iv) Other identification information that is specified in the applicable CARB Executive Order.
- (6) Any Qualified Manufacturer who Rebuilds a component shall either directly stamp on or attach to the component using methods or materials that

would endure long term use the information specified in subparagraph (i)(54)(B).

- (7) In the event of a separation due to a drive-off, the owner or operator of a Mobile Fueler with a Cargo Tank equipped with CARB Certified Control Equipment shall conduct a visual inspection of the affected equipment and either:

(A) Repair the equipment by:

(i) Repairing the Gasoline Transfer and Dispensing equipment, the component of the CARB Certified Control Equipment that would restore the function or performance of such equipment/component following the Qualified Manufacturer's instructions and using only the applicable CARB Certified parts supplied by the Qualified Manufacturer;

(ii) Testing the affected equipment, system, or component in accordance with applicable test methods as specified in the applicable CARB Executive Orders and the corresponding CARB approved Installation, Operation, and Maintenance manual; and

(iii) Successfully passing the test prior to placing affected equipment, system, or component back in service; or

(B) Replace the affected nozzles, hoses, Breakaway Couplings, and any other damaged components with new or certified Rebuilt components that are CARB Certified, before placing any affected equipment back in service.

- (8) Unless otherwise authorized by CARB, any person shall not conduct repair or maintenance specified in clause (i)(76)(A)(i) that changes the size, shape or materials of construction of any Gasoline Vapor passage, or if it may otherwise obstruct, hinder, or reduce the recovery of Gasoline Vapors during operation.

(j) Self-Compliance Program Requirements

- (1) The owner or operator of a Retail Mobile Fueler or Non-Retail Mobile Fueler shall conduct:

- (A) Daily maintenance inspections pursuant to the protocol specified in Attachment B – Daily Maintenance Inspection Protocol which includes the date and time of inspection;
  - (B) Periodic compliance inspection at least once every twelve months pursuant to the protocol specified in Attachment C – Periodic Compliance Inspection Protocol which includes the date and time of inspection; and
  - (C) Periodic maintenance that is consistent with the maintenance schedule as specified by the manufacturer of the applicable CARB Certified Control Equipment installed on the Cargo Tank of the Mobile Fueler.
- (2) The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall develop and implement:
- (A) A procedure to determine and record the next required test date preceding a successful test pursuant to subdivision (1);
  - (B) An employee training program that includes:
    - (i) Itemized training procedures for employees responsible for conducting any part of the self-compliance program;
    - (ii) A training schedule to periodically train any employee responsible for conducting any part of the self-compliance program;
    - (iii) A record for each employee of the dates of training provided and the next training date; and
    - (iv) A procedure to review and establish any additional necessary training following any changes or updates to the CARB Executive Order for the installed vapor recovery system.
- (3) During the daily maintenance inspections or periodic compliance inspections, the owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler that identifies any equipment with a major defect in the CARB Certified Phase I Vapor Recovery System or the CARB Certified Phase II Vapor Recovery System, or a component thereof, which means a defect listed in California Code of Regulations, Title 17, Part III, Chapter 1, Subchapter 8, Section 94006, shall remove the equipment from service, and repair the equipment before returning the identified equipment to service.

- (4) Defects discovered during self-inspection and are repaired shall not constitute a violation of Rule 461.1.

(k) Recordkeeping

(1) Operation and Maintenance (O&M) Manual

The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall implement a maintenance program and document the program in an O&M manual for the CARB Certified Control Equipment that includes the following:

- (A) Detailed instructions that ensure proper operation and maintenance of the installed CARB Certified Control Equipment and the associated components thereof in compliance with all applicable rules and regulations;
  - (B) Reference(s) to all manufacturer required maintenance cycles as delineated in the CARB Executive Order;
  - (C) All applicable CARB Executive Orders, approval letters, and South Coast AQMD permits to operate;
  - (D) The manufacturer's specifications and instructions for installation, operation, repair, and maintenance required pursuant to CARB Certification Procedure CP-201, and any additional instructions provided by the manufacturer;
  - (E) System and/or component testing requirements, including test schedules, and passing criteria for each of the standard tests listed under subparagraph (l)(1)(A); and
  - (F) Additional O&M instructions, if any, that are designed to ensure compliance with the applicable rules, regulations, CARB Executive Orders, and South Coast AQMD permit to operate conditions, including replacement schedules for failure or wear prone components.
- (2) For each Dispensing Location, the owner or operator of a Retail Mobile Fueler shall maintain the following information:
- (A) Name of the Dispensing Location;
  - (B) South Coast AQMD facility ID unless one has not been issued;
  - (C) Address(es) of the Dispensing Location;
  - (D) County of the Dispensing Location;

- (E) Dispensing Location contact information for personnel that is authorized to grant South Coast AQMD staff access to the site to conduct inspections of the Mobile Fueler operations that includes the following:
    - (i) Name of the contact;
    - (ii) Title of the contact;
    - (iii) Telephone number for the contact; and
    - (iv) Email for the contact;
  - (F) Documentation from the owner or operator of the Dispensing Location that the mobile fueling company would be the only mobile fueling company operating a Retail Mobile Fueler at the Dispensing Location; and
  - (G) Documentation by the responsible fire department or fire authority to the owner or operator for either:
    - (i) The written approval to conduct Transfer or Dispensing Gasoline from a Retail Mobile Fueler at the specified Dispensing Location; or
    - (ii) The written statement that approval of the Transfer or Dispensing of Gasoline from a Retail Mobile Fueler is not required at the specified Dispensing Location.
- (3) The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler with a throughput limit per Dispensing Location shall maintain records for each day for each Dispensing Location, of the applicable information specified in Table 1 – Dispensing Information.

**Table 1 – Dispensing Information**

Requirements		Mobile Fueler Category	
		Retail	Non-Retail
1.1	Date of Dispensing	Yes	Yes
1.2	Start time of Dispensing at the Dispensing Location	Yes	Yes
1.3	End time of Dispensing at the Dispensing Location	Yes	Yes
1.4	South Coast AQMD permit to operate for the Mobile Fueler	Yes	Yes

1.5	South Coast AQMD facility ID for the Dispensing Location	Yes, if applicable	Yes, if applicable
1.6	Name of the Dispensing Location	Yes	Yes
1.7	Address of the Dispensing Location	Yes	Yes
1.8	County of the Dispensing Location	Yes	Yes
1.9	Total gallons of each type of Gasoline Dispensed	Yes	Yes

- (4) The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall maintain records of the information specified in Table 2 – Transfer Information for each Transfer of Gasoline.

**Table 2 – Transfer Information**

Requirements		Mobile Fueler Category	
		Retail	Non-Retail
2.1	Date of Transfer	Yes	Yes
2.2	Start time of Transfer	Yes	Yes
2.3	South Coast AQMD permit to operate for Mobile Fueler	Yes	Yes
2.4	Identification of Cargo Tank Transferring the Gasoline and capacity in gallons	Yes	Yes
2.5	Identification of compartment Transferring the Gasoline and compartment capacity in gallons, if applicable	Yes	Yes
2.6	Name of the Transfer Location	Yes	Yes
2.7	Address of the Transfer Location	Yes	Yes
2.8	South Coast AQMD facility ID for the Transfer Location	Yes	Yes
2.9	Type of Transfer (loading or unloading)	Yes	Yes
2.10	For each Transfer, the type of Gasoline, total gallons of Gasoline Transferred into or out of each Cargo Tank or compartment	Yes	Yes

- (5) The owner or operator of a Retail Mobile Fueler shall maintain the following:

- (A) Totalizer records indicating the totalizing meter reading at the start and end of each day for each Cargo Tank and, if applicable, each Cargo Tank compartment; and
  - (B) If the owner or operator of a Retail Mobile Fueler conducts inventory reconciliation, all reconciliation records of the amount Transferred into the Mobile Fueler and amount Dispensed out of the Mobile Fueler for each day inventory reconciliation occurs.
- (6) On or before the 20<sup>th</sup> of each calendar month, the owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler with a throughput limit per Dispensing Location shall create a monthly Dispensing record for the previous calendar month that includes the information specified in Table 3 – Monthly Dispensing Record.

**Table 3 – Monthly Dispensing Record**

Requirements		Mobile Fueler Category	
		Retail	Non-Retail
3.1	South Coast AQMD facility ID for the Dispensing Location	Yes, if applicable	Yes, if applicable
3.2	Name of the Dispensing Location	Yes	Yes
3.3	Address of the Dispensing Location	Yes	Yes
3.4	County of the Dispensing Location	Yes	Yes
3.5	Total gallons of each type of Gasoline Dispensed at the Dispensing Location in the calendar month	Yes	Yes
3.6	List of South Coast AQMD permit to operate numbers of all Mobile Fuelers that Dispensed Gasoline at the Dispensing Location in the calendar month	Yes	Yes
3.7	The most restrictive throughput limit of any Mobile Fueler that operated at the Dispensing Location in the calendar month	Yes	Yes

- (7) On or before the 20<sup>th</sup> of each calendar month, the owner or operator of a Non-Retail Mobile Fueler without a throughput limit per Dispensing Location shall create a monthly Dispensing record for the previous calendar

month that indicates the total gallons of Gasoline Dispensed during the month.

- (8) On or before the 20<sup>th</sup> of each calendar month, the owner or operator of a Retail Mobile Fueler complying with subparagraph (1)(2)(B) shall create a monthly Dispensing record for the previous calendar month that indicates the gallons of Gasoline Dispensed by the Mobile Fueler.
- (9) The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall for each occurrence when Gasoline was dispensed on a public street maintain the following information:
  - (A) Type of Emergency or public infrastructure being maintained, if applicable;
  - (B) Date of Dispensing;
  - (C) Start time of Dispensing;
  - (D) End time of Dispensing;
  - (E) South Coast AQMD permit to operate for the Mobile Fueler;
  - (F) Nearest cross-streets of public street;
  - (G) County of public street;
  - (H) Total gallons of each type of Gasoline Dispensed;
  - (I) Contact information for responsible person of organization that had Gasoline Dispensed into a Motor Vehicle or equipment that includes the following:
    - (i) Name of cContact;
    - (ii) Name of oOrganization; and
    - (iii) Telephone number of the contact.
- (10) General Permitted Mobile Fueler Records

The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall maintain the following:

  - (A) Records of all components installed, defective components identified or repaired during self-compliance inspections;
  - (B) Repair logs that include:
    - (i) Date and time of each repair;
    - (ii) The name of the person(s) who performed the repair, and, if applicable, the name, address and phone number of the person's employer;
    - (iii) Description of service performed;

- (iv) Each component that was installed, repaired, serviced, or removed, including the required component identification information specified in clause (i)(54)(B)(i) through (i)(54)(B)(iv);
  - (v) Each component that was installed as replacement, if applicable, including the required component identification information specified in clauses (i)(54)(B)(i) through (i)(54)(B)(iv); and
  - (vi) Receipts for parts used in the repair and, if applicable, work orders, which shall include the name and signature of the person responsible for performing the repairs;
- (C) Test records required pursuant to subdivision (l) that includes the following for each test:
- (i) Date and time of each test;
  - (ii) District confirmation number of notifications;
  - (iii) Name, affiliation, address, and phone number of the person(s) who performed the test;
  - (iv) Test data and calibration data for all equipment used;
  - (v) Date and time each test is completed and when the Mobile Fueler owner or operator is notified of the results. For a test that fails, a description of the reasons for the test failure shall also be included;
  - (vi) For a retest following a failed Performance or Reverification Test, description of repairs performed pursuant to subparagraph (l)(8)(B) and paragraph (l)(9); and
  - (vii) Copies of test reports in District approved format;
- (D) Records of daily maintenance inspections required pursuant to subparagraph (j)(1)(A);
- (E) On days the Mobile Fueler does not Transfer or Dispense Gasoline the records, in lieu of daily maintenance inspections required pursuant to subparagraph (j)(1)(A), the owner or operator shall alternatively document that the Mobile Fueler did not operate on this date;
- (F) Records of periodic compliance inspections required pursuant to subparagraph (j)(1)(B); and

- (G) Records that demonstrate the Installer or Contractor that installed or altered the CARB Certified Control Equipment has successfully completed any applicable manufacturer training program and any applicable state certification program applicable to the CARB Certified Phase I and Phase II Vapor Recovery Systems and the associated components thereof as specified in paragraphs (i)(3) and (i)(4).
  - (11) A person who performs the installation of components, self-compliance inspections, repairs or testing for any Mobile Fueler with a Cargo Tank equipped with CARB Certified Control Equipment shall provide to the owner or operator of a Mobile Fueler all records specified in subdivision (m), as applicable, by the end of each day when the service is provided.
  - (12) The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall retain all applicable records specified in paragraphs (k)(1) through (k)(11) for at least two years or, if the Mobile Fueler is permitted to operate at a Title V facility, five years.
  - (13) The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall provide all records upon request to the Executive Officer.
- (l) Testing
- (1) The owner or operator of a Mobile Fueler with a Cargo Tank equipped with a CARB Certified Phase I Vapor Recovery System or a CARB Certified Phase II Vapor Recovery System for Dispensing shall:
    - (A) Conduct all required tests in accordance with the following test methods:
      - (i) The most recently CARB approved version of CARB test method;
      - (ii) Stated in the applicable CARB Executive Orders including the corresponding Installation, Operation, and Maintenance Manual test procedures; or
      - (iii) Any other test methods approved in writing by the U.S. EPA, CARB, or the South Coast AQMD;
    - (B) Conduct and pass the Performance Tests in accordance with test methods and any additional tests required by the applicable CARB Executive Order(s) including the corresponding CARB approved Installation, Operation, and Maintenance Manual and South Coast

AQMD permits within 10 calendar days after initially Dispensing Gasoline from any Mobile Fueler that:

- (i) Is new; or
  - (ii) Has undergone any of the following modifications:
    - (I) Removed or added a container of a Cargo Tank equipped with a CARB Certified Phase I Vapor Recovery System or a CARB Certified Phase II Vapor Recovery System for Dispensing; or
    - (II) Replaced equipment with different characteristics or descriptions from those specified on the existing permit to operate; and
  - (C) Conduct and successfully pass the Reverification Tests in accordance with the test methods, and any additional tests required by the applicable CARB Executive Orders including the corresponding CARB approved Installation, Operation, and Maintenance Manual or South Coast AQMD permits to operate.
- (2) The owner or operator of a Retail Mobile Fueler with a Cargo Tank equipped with a CARB Certified Phase I Vapor Recovery System or CARB Certified Phase II Vapor Recovery System shall conduct Reverification Tests at a frequency no less than:
- (A) Semiannually; or
  - (B) Annually, where the throughput for each month during the 12-month period preceding the required test is less than 100,000 gallons and throughput records are maintained pursuant paragraph (k)(8).
- (3) The owner or operator of a Non-Retail Mobile Fueler with a Cargo Tank equipped with a CARB Certified Phase I Vapor Recovery System or CARB Certified Phase II Vapor Recovery System shall complete the Reverification Tests annually.
- (4) The owner or operator of a Mobile Fueler with a Cargo Tank equipped with a CARB certified Phase I Vapor Recovery System or CARB Certified Phase II Vapor Recovery System shall conduct subsequent Reverification Testing during the same calendar months when the most recent Performances Tests or Reverification Tests was conducted each year.
- (5) Notwithstanding (1)(4), when a new Performance Test is required due to alteration of the Mobile Fueler equipped with CARB Certified Control Equipment, the owner or operator of a Mobile Fueler shall conduct

subsequent Reverification Tests based on the new Reverification Testing month(s).

- (6) In the event of a change of owner or operator, the new owner or operator of Mobile Fueler shall:
  - (A) Conduct the next Reverification Test within the same testing month as established by the previous owner or operator, if the previous Reverification Testing records are available; or
  - (B) Complete all the applicable Reverification Testing within 30 calendar days of the change of the owner or operator, if no prior Reverification Testing records are available.
- (7) A person who conducts Performance or Reverification Tests shall:
  - (A) Conduct Performance or Reverification Tests in accordance with the applicable test methods listed in subdivision (l)(1) and other CARB testing procedures;
  - (B) Use calibrated equipment meeting the calibration range and calibration intervals specified by the manufacturer;
  - (C) Notify the South Coast AQMD electronically via a South Coast AQMD approved method and obtain a confirmation number at least three days prior to testing (at least one of the days shall be regular South Coast AQMD business days), except as specified in paragraph (l)(8) for failed Reverification Tests, as specified in subparagraph (l)(7)(D) for rescheduled tests, and may not be required for Reverification Tests performed after drive-offs pursuant to ~~subparagraph clause (i)(76)(AP)(ii)~~, provided the person conducting the tests complies with all other applicable provisions of the rule;
  - (D) In the event that a Performance or Reverification Test rescheduled pursuant to subparagraph (l)(7)(C) cannot be conducted at the scheduled date and time, the test may be rescheduled to a later date and time provided that the South Coast AQMD is notified electronically via a South Coast AQMD approved method or other South Coast AQMD approved methods at least 24 hours prior to the originally scheduled time;
  - (E) Conduct Performance and Reverification Tests between the hours of 7:00 a.m. and 8:00 p.m. Monday through Friday, unless the Executive Officer approves testing on a weekend day (Saturday or Sunday) based on Attachment D – Testing on a Weekend Day;

- (F) Have successfully completed the South Coast AQMD's Tester Orientation class prior to conducting the Reverification Test;
  - (G) Have successfully completed the International Code Council (ICC) tester certifications (or equivalent state certifications) examination during the previous 24 calendar months;
  - (H) Cease conducting any Performance or Reverification Test after having been cited within any six-month period for at least two violations of subparagraphs (l)(7)(A) and (l)(7)(B) of this rule or CARB vapor recovery regulations in such a manner that the violations could have affected the accuracy of a Performance or Reverification Test and not resume testing until after successfully re-completing the South Coast AQMD's Tester Orientation class; and
  - (I) Cease conducting any Performance or Reverification Test after having been cited within any 12-month period for at least three violations of subparagraphs (l)(7)(A) and (l)(7)(B) of this rule or CARB vapor recovery regulations in such a manner that the violations could have affected the accuracy of a Performance or Reverification Test.
- (8) Notwithstanding subparagraphs (l)(7)(C) and (l)(7)(D), the owner or operator of Mobile Fueler equipped with a CARB Certified Phase I Vapor Recovery System or a CARB Certified Phase II Vapor Recovery System that has failed a Reverification Test or portions thereof may retest the Mobile Fueler prior to resuming operation provided that the person conducting the tests has complied with one of the following:
- (A) Notify the South Coast AQMD electronically via a South Coast AQMD approved method and obtain a confirmation number at least 12 hours prior to retesting (at least six of the hours shall be regular South Coast AQMD business hours); or
  - (B) When all necessary repairs are performed during the same day the Mobile Fueler has failed any of the applicable Reverification Tests, the owner or operator may retest the Mobile Fueler on the same day without renotification, provided that the reasons for the test failure and any repairs performed are properly documented in the repair logs pursuant to subparagraph (k)(10)(B) and the records of tests pursuant to subparagraph (k)(10)(C).

- (9) The owner or operator of a Mobile Fueler with a Cargo Tank equipped with CARB Certified Control Equipment shall not operate the Mobile Fueler unless:
  - (A) It has successfully passed the applicable Performance or Reverification Tests; or
  - (B) The test failure is due to Dispensing equipment and associated equipment that can be shut down and isolated from the Mobile Fueler provided that:
    - (i) Test results demonstrate that the remaining equipment is in good operating condition; and
    - (ii) Test results and the method of isolating the defective equipment have been documented in the test reports maintained pursuant to subparagraph (k)(10)(C) and submitted to the South Coast AQMD pursuant to paragraph (m)(4) and paragraph (m)(5).

(m) Reporting

- (1) After ~~February~~ July 1, 2022, the owner or operator of a Retail Mobile Fueler shall electronically submit the applicable records required by paragraph (k)(2) for the Dispensing Location to the Executive Officer, using a format approved by the Executive Officer:
  - (A) No less than 48 hours prior to Dispensing at a Dispensing Location where a record required by paragraph (k)(2) has not been submitted for the Dispensing Location; and
  - (B) No less than 48 hours prior to Dispensing at the Dispensing Location where a different mobile fueling company Dispensed Gasoline during a prior calendar month.
- (2) No later than 48 hours after Dispensing Gasoline on a public street into a Motor Vehicle or equipment that was responding to an Emergency or maintaining public infrastructure, the owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall electronically submit the information pursuant to paragraph (k)(9) to the Executive Officer.
- (3) On or before March 1st, the owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall provide the monthly Gasoline Dispensing records required by paragraph (k)(6) through (k)(8), as applicable, for the previous calendar year to the Executive Officer in an approved format.

- (4) A person who conducts Performance or Reverification Tests shall submit a copy of the PASS/FAIL test results, showing a summary of the overall results of each test, electronically in a South Coast AQMD approved format to the Executive Officer within 72 hours after each test is conducted.
  - (5) A person who conducts Performance or Reverification Tests shall submit the final test report demonstrating compliance within 14 calendar days of the date when all tests were passed that includes all the required records of all tests performed, test data, current South Coast AQMD facility ID number of the Mobile Fueler being tested, the equipment permit to operate or application number, the South Coast AQMD ID number of the company performing the tests, a statement whether the system or component tested meets the required standards, and the name, South Coast AQMD tester ID number and signature of the person responsible for conducting the tests.
- (n) Exemptions
- (1) The provisions of this rule shall not apply to the Transfer of Gasoline into testing equipment used to verify the efficiency of the vapor recovery system by CARB or the South Coast AQMD or testing Contractors, the accuracy of the Gasoline Dispensing equipment by the Department of Weight and Measures, and the fire safety standards by the Fire Department.
  - (2) The requirements of paragraph (d)(2) shall not apply to the fueling of Tournament of Roses parade floats.
  - (3) Until July 1, 2022, the CARB Certified Phase I Vapor Recovery System requirements of paragraph (d)(1), subdivision (j), subdivision (k), and subdivision (m) shall not apply to the following Mobile Fuelers provided the Mobile Fueler is not equipped with a CARB Certified Phase I Vapor Recovery System:
    - (A) Retail Mobile Fueler with a Cumulative Capacity greater than 10 gallons and less than 251 gallons and no individual Cargo Tank is greater than 120 gallons that Dispenses into Motor Vehicles;
    - (B) Non-Retail Mobile Fueler with a Cumulative Capacity greater than 120 gallons and less than 251 gallons and no individual Cargo Tank is greater than 120 gallons that Dispenses into Motor Vehicles; or
    - (C) Non-Retail Mobile Fueler or a Retail Mobile Fueler that does not Dispense into Motor Vehicles.

- (4) Until July 1, 2022, the CARB Certified Phase II Vapor Recovery System requirements of paragraph (d)(2), subdivision (j), subdivision (k), and subdivision (m) shall not apply to the following Mobile Fuelers provided the Mobile Fueler is not equipped with a CARB Certified Phase II Vapor Recovery System:
  - (A) Retail Mobile Fueler with a Cumulative Capacity greater than 10 gallons and less than 251 gallons and no individual Cargo Tank is greater than 120 gallons that Dispenses into Motor Vehicles; or
  - (B) Non-Retail Mobile Fueler with a Cumulative Capacity greater than 120 gallons and less than 251 gallons and no individual Cargo Tank is greater than 120 gallons that Dispenses into Motor Vehicles.
- (5) Until July 1, 2022, subdivision (g) shall not apply to a Retail Mobile Fueler or Non-Retail Mobile Fueler operating at a Dispensing Location.

**ATTACHMENT A**

**OUT OF ORDER PROTOCOL**

**(A-1) OUT OF ORDER PROTOCOL<sup>1</sup>**

The owner or operator of a Mobile Fueler shall not remove a South Coast AQMD “Out of Order” tag from non-compliant equipment, not allow the use of the non-compliant equipment, not provide for use the non-compliant equipment, or not operate the non-compliment equipment, unless:

- (1.1) The non-compliant equipment has been repaired, replaced, or adjusted, as necessary;
- (1.2) The Executive Officer was notified of the repair, replacement, or adjustment; and
- (1.3) If the Executive Officer has determined the non-compliant equipment requires a reinspection prior to resuming operation, the Executive Officer has re-inspected the non-compliant equipment.

<sup>1</sup> The Attachment A – Out of Order Protocol shall not apply to the Motor Vehicle of the mobile fueler.

**ATTACHMENT B****DAILY MAINTENANCE INSPECTION PROTOCOL**

Each day the Mobile Fueler Transfers or Dispenses Gasoline conduct the following:

**(B-1) GENERAL INFORMATION**

The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall document the following in the daily maintenance inspections:

- (1.1) Facility name;
- (1.2) South Coast AQMD facility ID; and
- (1.3) South Coast AQMD permit number for mobile fueler.

**(B-2) PHASE I VAPOR RECOVERY SYSTEM INSPECTION**

The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall at minimum verify the following during the daily maintenance inspections:

- (2.1) The Spill Box is clean and does not contain gasoline;
- (2.2) The fill caps and vapor dust caps, and associated gaskets, are not missing, damaged, or loose;
- (2.3) If applicable:
  - (a) The Dry Break (poppet valve) is not missing or damaged;
  - (b) Note if liquid is visible in vapor return line drop out sight gauge; and
  - (c) Cargo Tank pressure.

**(B-3) PHASE II VAPOR RECOVERY SYSTEM INSPECTION**

The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler that is equipped with a CARB Certified Phase II Vapor Recovery System shall at a minimum verify the following during the daily maintenance inspections:

- (3.1) The following nozzle components are in place and in good condition, as specified in CARB Executive Orders:
  - (a) Nozzle spout (proper diameter/vapor collection holes);
  - (b) Faceplate;
  - (c) Bellows;
  - (d) Latching device spring;

**ATTACHMENT B - CONTINUED**

- (e) Vapor ~~C~~eheck ~~V~~valve;
  - (f) Insertion ~~I~~nterlock ~~M~~mechanism;
  - (g) Automatic shut-off mechanism; and
  - (h) Hold open latch;
- (3.2) The hoses are not torn, punctured, flattened, or crimped and in good condition, as specified in CARB Executive Orders;
- (3.3) If applicable:
- (a) Vapor return line vacuum (inches water column); and
  - (b) Gasoline supply pressure (pounds per square inch gauge); and
- (3.4) Required signage is clearly displayed.

**(B-4) RECORDS OF DEFECTIVE COMPONENTS**

The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall at maintain records of defective components during the daily maintenance inspections.

**(B-5) MAINTENANCE ACTIVITY**

The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler that is equipped with a CARB Certified Phase I Vapor Recovery System or Phase II Vapor ~~R~~ecovery ~~S~~ystem shall ~~at~~ maintain records of the following during the daily maintenance inspections

- (5.1) Date maintenance ~~C~~ontractor was contacted;
- (5.2) Time maintenance ~~C~~ontractor was contacted;
- (5.3) Method of contact;
- (5.4) Date of maintenance;
- (5.5) Time of maintenance;
- (5.6) Maintenance ~~C~~ontractor name;
- (5.7) Maintenance ~~C~~ontractor telephone number;
- (5.8) Totaling meter reading on date maintenance was performed;
- (5.9) List of tests conducted;
- (5.10) Test results; and
- (5.11) List of components ~~R~~epaired or replaced.

**ATTACHMENT C**

**PERIODIC COMPLIANCE INSPECTION PROTOCOL**

**(C-1) GENERAL INFORMATION**

The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall document the following in the periodic compliance inspections:

- (1.1) Facility name;
- (1.2) South Coast AQMD facility ID; and
- (1.3) South Coast AQMD permit number for mobile fueler.

**(C-2) GENERAL INSPECTION**

The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall at minimum verify the following during the periodic compliance inspections:

- (2.1) The South Coast AQMD permit is current;
- (2.2) The description in the South Coast AQMD permit to operate accurately describes the equipment;
- (2.3) Compliance with all permit conditions; and
- (2.4) The required signage is properly posted and contains all the necessary information.

**(C-3) PHASE I VAPOR RECOVERY SYSTEM INSPECTION**

The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler shall at minimum verify the following during the daily maintenance inspections:

- (3.1) The Spill Box is clean and does not contain gasoline;
- (3.2) The fill caps are not missing, damaged, or loose;
- (3.3) If applicable:
  - (a) The Dry Break (poppet valve) is not missing or damaged;
  - (b) Note if liquid is visible in vapor return line drop out sight gauge;  
and
  - (c) Cargo tank pressure.
- (3.4) The Phase I Vapor Recovery System complies with required CARB certification and is properly installed; and

## ATTACHMENT C – CONTINUED

- (3.5) The Spill Box complies with required CARB certification and is properly installed.

**(C-4) PHASE II VAPOR RECOVERY SYSTEM INSPECTION**

The owner or operator of a Retail Mobile Fueler or a Non-Retail Mobile Fueler that is equipped with a CARB certified Phase II Vapor Recovery System shall at a minimum verify the following during the daily maintenance inspections:

- (3.1) Each nozzle is the current CARB-Certified model;
- (3.2) Each nozzle is installed in accordance with the applicable CARB Executive Orders;
- (3.3) The following nozzle components are in place and in good condition, as specified in CARB Executive Orders or California Code of Regulations, Title 17, Part III, Chapter 1, subchapter 8, section 94006 or Health and Safety Code Section 41960.2 (e):
- (a) Nozzle spout (proper diameter/vapor collection holes);
  - (b) Faceplate;
  - (c) Bellows;
  - (d) Latching device spring;
  - (e) Vapor Ceheck Valve;
  - (f) Insertion Interlock Mechanism;
  - (g) Automatic shut-off mechanism; and
  - (h) Hold open latch;
- (3.4) The hoses are not torn, punctured, flattened, or crimped and in good condition, as specified in CARB Executive Orders;
- (3.5) The vapor recovery hoses are the required size and length;
- (3.6) The vapor recovery nozzles are equipped with required hoses;
- (3.7) The bellows-equipped vapor recovery nozzles are equipped with CARB Certified Insertion Interlock Mechanisms;
- (3.8) If required, the flow limiter is not missing and is installed properly;
- (3.9) The swivels are not missing, defective, or leaking, and the Dispenser-end swivels, if applicable, are Fire-Marshall approved with 90-degree stops;

**ATTACHMENT C – CONTINUED**

- (3.10) If required, the liquid removal device, which are designed to remove trapped liquid from the vapor passages of a balance Ceoaxial Hhose, comply with required CARB Certifications and are properly installed; and
- (3.11) For bellows-less nozzles, the hoses are inverted coaxial type, and the vapor collection holes are not obstructed.

**ATTACHMENT D**

**TESTING ON A WEEKEND DAY**

**(D-1) RESTRICTIONS**

The South Coast AQMD shall approve a limited number of Reverification Testing requests per weekend on a first-come first-served basis which shall be subject to the following restrictions:

- (1.1) The person conducting the tests has notified the South Coast AQMD pursuant to subparagraph (l)(7)(C) for Reverification Tests and Attachment D paragraph (D-1)(1.2);
- (1.2) The requests made pursuant to Attachment D paragraph (D-1)(1.1) shall be made no more than 30 calendar days in advance of the testing;
- (1.3) Tests shall be conducted from 7:00 a.m. through 5:30 p.m.;
- (1.4) Upon request by the South Coast AQMD, the person who conducted the tests on a weekend day for which South Coast AQMD staff was not present shall repeat the Reverification Testing at a mutually acceptable date but no later than 10 calendar days from the day the test was conducted; and
- (1.5) Should a repeat test be requested pursuant to Attachment D paragraph (D-1)(1.4), the owner or operator of the Mobile Fueler shall pay the cost of the repeat Reverification Testing.

**(D-2) CONDITIONS**

The South Coast AQMD shall approve all requests for a retest on a weekend day provided that the retest meets the following conditions:

- (2.1) The retest on a weekend day is necessary as the repairs and retest following a failed Reverification Test cannot be completed by Friday;
- (2.2) The person conducting the test has notified the South Coast AQMD pursuant to subparagraph (l)(8)(A) or left a phone notification before midnight of the day before the retest;
- (2.3) Tests shall be conducted from 7:00 a.m. through 5:30 p.m.; and

**ATTACHMENT D – CONTINUED**

- (2.4) Upon request by the Executive Officer, the person who conducted the test on a weekend day for which the South Cost AQMD staff was not present shall repeat the Reverification Testing at a mutually acceptable date but no later than 10 calendar days from the day the test was conducted. The owner or operator of a Mobile Fueler shall pay the cost of the repeat Reverification Testing.

## ATTACHMENT F-2

(Adopted January 9, 1976)(Amended September 3, 1976)(Amended February 4, 1977)  
(Amended November 18, 1977)(Amended February 3, 1978)(Amended January 5, 1979)  
(Amended May 4, 1979)(Amended December 7, 1979)(Amended January 16, 1981)  
(Amended October 15, 1982)(Amended November 1, 1985)(Amended March 4, 1988)  
(Amended July 7, 1989)(Amended September 8, 1995)(Amended April 21, 2000)  
(Amended June 15, 2001)(Amended January 9, 2004)(Amended June 3, 2005)  
(Amended March 7, 2008)(Amended April 6, 2012)(PAR January 7, 2022)

### **PROPOSED AMENDED RULE 461 - GASOLINE TRANSFER AND DISPENSING**

(a) Applicability

This rule applies to the transfer of gasoline from any tank truck, trailer, or railroad tank car into any stationary storage tank ~~or mobile fueler~~, and from any stationary storage tank ~~or mobile fueler~~ into any ~~mobile fueler~~ or motor vehicle fuel tank.

(b) Definitions

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

- (1) ALTERED GASOLINE TRANSFER AND DISPENSING FACILITY is a Gasoline Transfer and Dispensing Facility with any of the following:
  - (A) The removal or addition of storage tank(s), or changes in the number of fueling positions.
  - (B) The replacement of storage tank(s), dispensing nozzle(s) or other equipment with different characteristics or descriptions from those specified on the existing permit.
- (2) BACKFILLING is the covering of the underground storage tank, piping or any associated components with soil, aggregate or other materials prior to laying the finished surface.
- (3) BELLOWS-LESS NOZZLE is any nozzle that incorporates an aspirator or vacuum assist system and a gasoline vapor capture mechanism at the motor vehicle filler neck, such that vapors are collected at the vehicle filler neck without the need for an interfacing flexible bellows.
- (4) BREAKAWAY COUPLING is a component attached to the coaxial hose, which allows the safe separation of the hose from the dispenser or the hose from the nozzle in the event of a forced removal such as in the case of a “drive-off.”

**Proposed Amended Rule 461 (Cont.)**      (~~Amended April 6, 2012~~ PAR 461 January 7, 2022)

- (5) CARB CERTIFIED or certified by CARB means a Phase I or Phase II vapor recovery system, equipment, or any component thereof, for which the California Air Resources Board (CARB) has evaluated its performance and issued a valid Executive Order pursuant to Health and Safety Code Section 41954. Each component of a system is a separate CARB certified item and cannot be replaced with a non-certified item or other items that are not certified for use with the particular system. Except for qualified repairs, a CARB certified component shall be as supplied by the qualified manufacturer. A rebuilt component shall not be deemed as CARB certified unless the person who rebuilds the component is authorized by CARB to rebuild the designated CARB certified component.
- (6) CLEARLY AND PERMANENTLY MARKED means an identification of the qualified manufacturer's name, model number, and other required information on a vapor recovery system component that is legible, and the identification is either directly stamped on or attached to the component using methods or materials that would endure constant long term use.
- ~~(7) COAXIAL FILL TUBE is a submerged fill tube that contains two passages one within the other. The center passage transfers gasoline liquid to the storage tank and the outer passage carries the gasoline vapors to the tank truck, trailer or railroad tank car.~~
- (78) COAXIAL HOSE is a hose that contains two passages one within the other. One of the passages dispenses the liquid gasoline into the vehicle fuel tank while the other passage carries the gasoline vapors from the vehicle fuel tank to the storage tank.
- (89) DISPENSER is a gasoline dispensing unit used for housing the aboveground gasoline and vapor recovery piping, the gasoline meters, and to hang gasoline-dispensing nozzles when they are not in use for fueling.
- (94) DRY BREAK or poppetted dry break is a Phase I vapor recovery component that opens only by connection to a mating device to ensure that no gasoline vapors escape from the underground storage tank before the vapor return line is connected and sealed.
- (104) DUAL-POINT DESIGN is a type of Phase I vapor recovery system that delivers gasoline liquid into storage tanks and recovers the displaced vapors through two separate openings on the tank.
- (112) ENHANCED VAPOR RECOVERY (EVR) means performance standards and specifications set forth in the CARB CP 201 (Certification Procedure

**Proposed Amended Rule 461 (Cont.)**      (~~Amended April 6, 2012~~ PAR 461 January 7, 2022)

for Vapor Recovery Systems at gasoline dispensing facilities) Sections 3 through 9.

- (123) FUELING POSITION is a fuel dispensing unit consisting of nozzle(s) and meter(s) with the capability to deliver only one fuel product at one time.
- (134) GASOLINE is any petroleum distillate or petroleum distillate/alcohol blend having a True Vapor Pressure greater than 200 mm Hg (3.9 psi) and less than 760 mm Hg (14.7 psi) at 100 degrees F as determined by ASTM Method D323-89.
- (145) GASOLINE TRANSFER AND DISPENSING FACILITY is ~~a mobile system or~~ a stationary facility, consisting of one or more storage tanks and associated equipment, which receive, store, and dispense gasoline.
- (156) GASOLINE VAPORS are the organic compounds in vapor form displaced during gasoline transfer and dispensing operations, and includes entrained liquid gasoline.
- (167) INSERTION INTERLOCK MECHANISM is any CARB certified mechanism that ensures a tight fit at the nozzle fill pipe interface and prohibits the dispensing of gasoline unless the bellows is compressed.
- (178) INSTALLER/CONTRACTOR is a person(s) engaged in the installation of new or alterations of existing vapor recovery systems and components at a gasoline transfer and dispensing facility.
- (189) LIQUID REMOVAL DEVICE is a device designed specifically to remove trapped liquid from the vapor passages of a coaxial hose.
- (1920) LIQUID TIGHT is a liquid leak rate not exceeding three drops per minute.
- (204) MAJOR DEFECT is a defect in the vapor recovery system or its component, as listed in California Code of Regulations, Title 17, Part III, Chapter 1, Subchapter 8, Section 94006.
- (212) MINOR DEFECT is a defect in any gasoline transfer and dispensing equipment, which renders the equipment out of good working order but which does not constitute a major defect.
- ~~(23) MOBILE FUELER is any tank truck or trailer that is used to transport and dispense gasoline from an onboard storage tank into any motor vehicle fuel tank.~~
- (224) MOTOR VEHICLE is any self-propelled vehicle as defined in Section 415 of the California Vehicle Code.
- (235) OWNER/OPERATOR is any person who owns, leases, or operates a gasoline transfer and dispensing facility.

**Proposed Amended Rule 461 (Cont.)**      (~~Amended April 6, 2012~~ PAR 461 January 7, 2022)

- (246) PERFORMANCE TEST is the first test or series of tests performed on a new or altered CARB certified gasoline vapor recovery system to demonstrate compliance with the CARB Executive Order and District permit conditions upon completion of construction or alteration of the vapor recovery system.
- (257) PRESSURE/VACUUM RELIEF VALVE is a valve that is installed on the vent pipes of the gasoline storage tanks to relieve pressure or vacuum build-up at preset values of pressure or vacuum.
- (268) QUALIFIED MANUFACTURER is the original equipment manufacturer of the CARB certified vapor recovery system or component, or a rebuilder who is authorized by CARB to rebuild the designated CARB certified component.
- (279) QUALIFIED REPAIR is a repair or maintenance of the gasoline transfer and dispensing equipment or vapor recovery system component that would restore the function or performance of such equipment/component following the qualified manufacturer's instructions and using only the applicable CARB certified parts supplied by the qualified manufacturer. Unless otherwise authorized by CARB, a repair or maintenance shall not be considered a qualified repair if the action changes the size, shape or materials of construction of any gasoline vapor passage, or if it may otherwise obstruct, hinder, or reduce the recovery of gasoline vapors during operation.
- (2830) REBUILD is an action that repairs, replaces, or reconstructs any part of a component of a vapor recovery system that forms the gasoline vapor passage of the component, or that comes in contact with the recovered gasoline vapors in the component. Rebuild does not include the replacement of a complete component with another CARB certified complete component; nor does it include the replacement of a spout, bellows, or vapor guard of a CARB certified nozzle. The new part shall be CARB certified and as supplied by the qualified manufacturer specifically for the CARB certified nozzle.
- (2934) RETAIL GASOLINE TRANSFER AND DISPENSING FACILITY is any gasoline transfer and dispensing facility subject to the payment of California sales tax for the sale of gasoline to the public.
- (302) RE-VERIFICATION TEST is a test or series of tests performed subsequent to the performance test on a CARB certified gasoline vapor recovery system

**Proposed Amended Rule 461 (Cont.)**      (~~Amended April 6, 2012~~ PAR 461 January 7, 2022)

to demonstrate compliance with the CARB Executive Order and District permit conditions.

- (313) SPILL BOX is an enclosed container around a Phase I fill pipe that is designed to collect gasoline spillage resulting from disconnection between the liquid gasoline delivery hose and the fill pipe.
- (324) SUBMERGED FILL TUBE is any storage tank fill tube with the highest level of the discharge opening entirely submerged, when the liquid level above the bottom of the tank is:
  - (A) 15.2 cm (6 inches), for tanks filled from the top, or
  - (B) 45.7 cm (18 inches) for tanks filled from the side.
- (335) VAPOR CHECK VALVE is a valve that opens and closes the vapor passage to the storage tank to prevent gasoline vapors from escaping when the nozzle is not in use.
- (346) VAPOR RECOVERY SYSTEM is a system installed at a gasoline transfer and dispensing facility for collection and recovery of gasoline vapors displaced or emitted from the stationary storage tanks ~~or mobile fuelers~~ (Phase I) and during refueling of vehicle fuel tanks (Phase II). A Phase II vapor recovery system may be a balance system, which operates on the principle of vapor displacement, or a vacuum-assist system, which uses a mechanical vacuum-producing device to create a vacuum, ~~or an aspirator-assist system, which uses an aspirator or eductor to create a vacuum during gasoline dispensing to capture gasoline vapors.~~
- (357) VAPOR TIGHT means the detection of less than 10,000 ppm hydrocarbon concentration, as determined by EPA Method 21, using an appropriate analyzer calibrated with methane.

(c) Equipment and Operation Requirements

- (1) Gasoline Transfer into Stationary Storage Tanks ~~and Mobile Fuelers~~ (Phase I)

A person shall not transfer, allow the transfer, or provide equipment for the transfer of gasoline from any tank truck, ~~or trailer, or railroad tank car~~ into any stationary storage tank with a capacity of 950 liters (251 gallons) or more, ~~or any mobile fueller tank of greater than 454 liters (120 gallons) capacity~~ unless all of the following conditions are met:

  - (A) Underground storage tanks are equipped with a "CARB certified" enhanced vapor recovery system having a minimum volumetric

efficiency of 98% and an emission factor not exceeding 0.15 pounds per 1,000 gallons. The vapor recovery system shall be maintained and operated according to the manufacturer's specifications and the applicable CARB Executive Orders including the corresponding CARB approved Installation, Operation and Maintenance Manual and shall meet all of the following:

- (i) All fill tubes are equipped with vapor tight caps;
- (ii) All dry breaks are equipped with vapor tight seals and vapor tight caps;
- (iii) The fill tube assembly, including fill tube, fittings and gaskets, is maintained to prevent vapor leakage from any portion of the vapor recovery system;
- (iv) Each vapor tight cap is in a closed position except when the fill tube or dry break it serves is actively in use; and
- (v) A "CARB certified" spill box shall be installed and maintained free of standing liquid, debris and other foreign matter. The spill box shall be equipped with an integral drain valve or other devices that are certified by CARB to return spilled gasoline to the underground stationary storage tank. The drain valve shall be maintained closed and free of vapor emissions at all times except when the valve is actively in use.

(B) Aboveground Storage Tanks are equipped with a "CARB certified" vapor recovery system having a minimum volumetric efficiency of 95% and is maintained and operated according to the manufacturer's specifications and the applicable CARB Executive Orders including the corresponding CARB approved Installation, Operation and Maintenance Manual and shall meet all of the following:

- (i) All fill tubes are equipped with vapor tight caps;
- (ii) All dry breaks are equipped with vapor tight seals and vapor tight caps;
- ~~(iii) All CARB certified coaxial fill tubes are spring loaded and operated so that the vapor passage from the stationary storage tank or the mobile fueler back to the tank truck trailer is not obstructed;~~

**Proposed Amended Rule 461 (Cont.)**      (~~Amended April 6, 2012~~ PAR 461 January 7, 2022)

- (iii~~v~~) The fill tube assembly, including fill tube, fittings and gaskets, is maintained to prevent vapor leakage from any portion of the vapor recovery system;
  - (vi) All vapor return lines without dry breaks are equipped with vapor tight caps; and
  - (vi) Each vapor tight cap is in a closed position except when the fill tube or dry break it serves is actively in use.
- ~~(C) Mobile fueler tanks are equipped with a “CARB certified” vapor recovery system having a minimum volumetric efficiency of 95% and is maintained and operated according to the manufacturer’s specifications and the applicable CARB Executive Orders and shall meet all of the following:~~
- ~~(i) The capacity of a cargo tank or tank compartment shall not be greater than 5,000 gallons;~~
  - ~~(ii) Each tank or tank component shall be equipped with an overfill protection device which shall be designed to automatically close valves or shut down pumps to stop the transfer of gasoline; and~~
  - ~~(iii) The cargo tank dome hatch shall remain closed and latched at all times. It shall not be opened for the purpose of routine tank gauging operations. It may only be opened to accomplish inspections which are necessary due to equipment failures, scheduled maintenance and repairs.~~
- (C) A person shall not operate, or allow the operation of a gasoline delivery tank truck/trailer or railroad tank car, unless it is “CARB certified” and maintained in compliance with the certification requirements and shall meet all of the following:
- (i) Each gasoline delivery elbow is equipped with sight windows;
  - (ii) The fuel delivery lines shall be maintained liquid tight, vapor tight, and free of air ingestion. A fuel delivery that is free of air ingestion is determined by observing the fuel stream as clear and free of air bubbles through the sight windows on

the delivery system, except during the initial and final 60 seconds of fuel transferring;

- (iii) All vapor return lines are connected between the delivery tank truck/trailer or railroad tank car, and the stationary storage tank ~~or mobile fueler~~. In addition, all associated hoses, fittings, and couplings are maintained in a liquid-tight and vapor-tight condition; and
- (iv) The hatch on any tank truck/trailer shall be equipped with a vapor tight cover during gasoline transfer and pumping. The hatch shall not be opened except for visual inspection, which may be performed after at least three minutes following the completion of the gasoline transfer or pumping. Except otherwise specified by CARB, visual inspection shall be completed in three minutes or less.

(2) Gasoline Transfer into Vehicle Fuel Tanks (Phase II)

A person shall not transfer, or allow the transfer, or provide equipment for the transfer of gasoline from a stationary storage tank with a capacity of 950 liters (251 gallons) or more, ~~or any mobile fueler tank of greater than 454 liters (120 gallons) capacity~~ into any ~~mobile fueler tank of greater than 454 liters (120 gallons) capacity~~ or any motor vehicle fuel tank of greater than 19 liters (5 gallons) capacity unless all of the following conditions are met:

- (A) The dispensing unit used to transfer the gasoline from the stationary storage tank ~~or mobile fueler~~ to the ~~mobile fueler~~ or motor vehicle fuel tank is equipped with a "CARB certified" vapor recovery system as capable of recovering or processing displaced gasoline vapors by at least 95%, or having an emission factor not exceeding 0.38 pounds per 1,000 gallons, as applicable;
- (B) The vapor recovery system and associated components are operated and maintained in a manner in accordance with the manufacturer's specifications and the applicable CARB certification including the corresponding CARB approved Installation, Operation and Maintenance Manual;
- (C) The system and associated components shall be maintained vapor tight and liquid tight at all times;

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- (D) Each balance-system nozzle is equipped with a "CARB certified" insertion interlock mechanism and a CARB certified vapor check valve which shall be located in the nozzle;
  - (E) Each gasoline-dispensing nozzle is equipped with a coaxial hose as specified in the applicable CARB Executive Order;
  - (F) Unless otherwise specified in the applicable CARB Executive Orders, all liquid removal devices installed for any gasoline-dispensing nozzle with a dispensing rate of greater than five gallons per minute shall be "CARB certified" with a minimum liquid removal rate of five milliliters per gallon transferred; and
  - (G) The breakaway coupling shall be CARB certified. Any breakaway coupling shall be equipped with a poppet valve, which shall close and maintain both the gasoline vapor and liquid lines vapor tight and liquid tight when the coupling is separated. In the event of a separation due to a "drive-off", the owner/operator shall complete one of the following and document the activities pursuant to paragraph (e)(6) recordkeeping requirements:
    - (i) Conduct a visual inspection of the affected equipment and perform qualified repairs on any damaged components before placing any affected equipment back in service. In addition, the affected equipment shall be tested in accordance to applicable test methods as specified in the applicable CARB Executive Orders and the corresponding CARB approved Installation, Operation and Maintenance manual and successfully passed prior to the affected equipment dispensing gasoline into any vehicle; or
    - (ii) Conduct a visual inspection of the affected equipment and replace the affected nozzles, coaxial hoses, breakaway couplings, and any other damaged components with new or certified rebuilt components that are CARB certified, before placing any affected equipment back in service.
- (3) Additional Requirements
- (A) A person shall not supply, offer for sale, sell, install or allow the installation of any vapor recovery system or any of its components, unless the system and component are CARB certified. Each vapor

recovery system and its components shall be clearly and permanently marked with the qualified manufacturer's name and model number as certified by CARB. In addition, the qualified manufacturer's unique serial number for each component shall also be clearly and permanently marked for the dispensing nozzles. Any qualified manufacturer who rebuilds a component shall also clearly and permanently mark the corresponding information on the component.

- (B) For a breakdown (as defined in Rules 102 and 430) of a central vapor incineration or processing unit, the provisions of Rule 430 shall apply. "End of Cycle" as that term is used in Rule 430 shall be deemed to mean the completion of fueling by the last customer who was fueling at the time of the breakdown for the application of Rule 430 in subparagraph (c)(3)(B).
- (C) Any Installer/Contractor shall not install, alter, repair or replace a Phase I or Phase II enhanced vapor recovery system or any component thereof without first successfully obtaining the manufacturer's certification and successfully completed any relevant state certification program, through the International Code Council (ICC), or any equivalent state certification program required for the installation and alteration of a vapor recovery system. The requirement for obtaining relevant certification shall take effect six months after such test becomes available.
- (D) The owner/operator of an enhanced vapor recovery system or their direct employees are not considered installers/contractors when replacing any defective nozzles, hoses and breakaways with new or CARB certified re-manufactured components of the same make and model, or alternative(s) specifically identified in the latest applicable CARB Executive Order, provided that person successfully obtained the manufacturer's certification and has successfully completed any relevant state certification program, through the International Code Council (ICC), or any equivalent state certification program required for the replacement of components. The requirement for obtaining relevant certification shall take effect six months after such test becomes available.

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- (E) A person shall not perform or allow the "pump-out" (bulk transfer) of gasoline from a storage tank subject to paragraph (c)(1) unless such bulk transfer is performed using a vapor collection and transfer system capable of returning the displaced vapors to the stationary storage tank.
- (F) A person shall not store, or allow the storage of, gasoline in any stationary storage tank with a capacity of 950 liters (251 gallons) or more; ~~or any mobile fueler with a capacity of 454 liters (120 gallons) or more;~~ unless such tank complies with Rule 463 or complies with the following:
  - (i) The tank is equipped with a Phase I vapor recovery system; and
  - (ii) The tank is operated and maintained with an integral vapor-tight drain valve to return spilled gasoline to the storage tank, if the tank is equipped with a spill container ~~except for mobile fuelers.~~
- (G) The owner/operator shall conspicuously post the District-required signs specified in Attachment A of this rule in the immediate gasoline dispensing area.
- (H) For a dispenser that is not intended to be used to fuel motor vehicles, the owner/operator shall have a sign posted on it to that effect.
- (I) A person shall not store, or allow the storage of, gasoline in any stationary storage tank with a capacity of 950 liters (251 gallons) or more; ~~or any mobile fueler with a capacity of 454 liters (120 gallons) or more;~~ unless the vent pipe of the tank complies with all of the following:
  - (i) The vent pipe opening is equipped with a "CARB certified" pressure-vacuum relief valve.
  - (ii) The vent pipe opening for a stationary storage tank is at least 12 feet above the driveway level used for tank truck filling operations.
  - (iii) Unless otherwise specified in the applicable CARB Executive Orders, the pressure-vacuum relief valve for an underground storage tank vent shall be set for pressure relief at 2.5 to 6.0 inches water column and vacuum relief at 6.0 to 10.0 inches water column. The valves for vents on

aboveground tanks ~~and mobile fuelers~~ shall meet the applicable CARB certified specifications.

- (iv) Pressure-vacuum relief valves for stationary storage tanks, as supplied and installed, shall be color-coded or otherwise clearly marked to identify the pressure-vacuum setting. The valves shall be installed on the vent pipe(s) such that the color codes or marks shall be legible to ground-level observers.
- (v) For the purpose of this requirement, vent pipes of gasoline storage tanks may be manifolded to a single valve when the stationary storage tanks are manifolded according to the applicable CARB Executive Order.
- (J) A person shall not store gasoline in open container(s) of any size or handle gasoline in any manner (spillage, spraying, etc.) that allows gasoline liquid or gasoline vapors to enter the atmosphere, contaminate the ground, or the sewer.
- (K) The failure of an owner/operator to meet any requirements of subdivision (c) of this rule shall constitute a violation. Such non-compliant equipment shall be tagged "Out of Order".
- (L) Except during active repair activity, the "Out of Order" tag specified in subparagraph (c)(3)(K) shall not be removed and the non-compliant equipment shall not be used, allowed to be used, or provided for use unless all of the following conditions are satisfied:
  - (i) The non-compliant equipment has been repaired, replaced, or adjusted, as necessary; and
  - (ii) The non-compliant equipment has been reinspected and/or the repair has been reported to the Executive Officer or his designee.
- (M) The owner/operator shall repair or replace any vapor recovery component having minor defects within seven days, pursuant to Section 41960.2(e) of the California Health and Safety Codes.
- (N) The owner/operator and/or the installer/contractor shall have all underground storage tank installations and associated piping configuration inspected by the Executive Officer or his designee prior to backfilling, to verify that all underground equipment is properly installed in accordance with the requirements specified in

the applicable CARB Executive Order. The owner/operator and/or installer/contractor shall schedule a time for inspection with the District by District-approved method and obtain a confirmation number at least three days (at least one of the days shall be regular District business days) prior to the backfilling. At or before the scheduled time of inspection, the owner/operator and/or installer/contractor shall ensure that all underground storage tank installation and associated piping meet all requirements under the applicable CARB Executive Order including the corresponding Installation, Operation and Maintenance Manual and shall be in a state ready to be backfilled. After successfully passing the verification inspection, all underground piping shall be backfilled without being disturbed.

- (O) The owner/operator of any gasoline transfer and dispensing facility shall implement a maintenance program and document the program in an operation and maintenance (O&M) manual for the vapor recovery system. The O&M manual shall be kept at the facility and made available to any person who operates, inspects, maintains, repairs, or tests the equipment at the facility as well as the Executive Officer upon request. The O&M manual shall contain detailed instructions that ensure proper operation and maintenance of the vapor recovery system and its components in compliance with all applicable rules and regulations. The O&M manual shall reference all manufacturer required maintenance cycles as delineated in the CARB Executive Order that certified the system. The manual shall, at a minimum, include the following current information:
- (i) All applicable CARB Executive Orders, Approval Letters, and District Permits.
  - (ii) The manufacturer's specifications and instructions for installation, operation, repair and maintenance required pursuant to CARB Certification Procedure CP-201, and any additional instructions provided by the manufacturer.
  - (iii) System and/or component testing requirements, including test schedules and passing criteria for each of the standard tests listed under subdivision (f). The owner/operator may

include any non-CARB required diagnostic and other tests as part of the testing requirements.

- (iv) Additional O&M instructions, if any, that are designed to ensure compliance with the applicable rules, regulations, CARB Executive Orders and District permit conditions, including replacement schedules for failure or wear prone components.
- (P) Equipment subject to paragraph (c)(1) or (c)(2) is operated and maintained with no major defect.
- (Q) The owner/operator of any gasoline transfer and dispensing facility shall submit the facility's monthly gasoline throughput data for the previous calendar year to the Executive Officer on or before March 1 following each calendar year.
- (4) In lieu of compliance with paragraph (c)(2), the owner/operator of a non-retail gasoline transfer and dispensing facility ~~shall may elect to comply with all of the following:~~
  - (A) If the gasoline transfer and dispensing equipment was issued a permit prior to [Date of Adoption], use either:
    - ~~(A)~~ (i) Hoses, breakaways, and nozzles that are part of a "CARB certified" vapor recovery system, ~~with~~except that the vapor return line ~~shall be~~ sealed off; or
    - (ii) CARB certified non-vapor recovery component for dispensing that includes only low permeation conventional hose assemblies and enhanced conventional nozzles identified in the most recent revision of CARB Executive Order NVR-1;
  - (B) If the gasoline transfer and dispensing equipment was issued a permit or modified after [Date of Adoption], use a CARB certified non-vapor recovery component for dispensing that includes only low permeation conventional hose assemblies and enhanced conventional nozzles identified in the most recent revision of CARB Executive Order NVR-1;
  - ~~(B) Submit an application for a permit to construct and operate the gasoline dispensing equipment and agree to comply with the following permit conditions:~~

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- ~~(C) (i) — No fuel shall be dispensed~~ Dispense only into a motor vehicle that is ~~not~~ owned or under direct control of the operator, except for a motor vehicle used in responding to an emergency;
- ~~(D) (ii) — No fuel shall be dispensed~~ Dispense only into a motor vehicle ~~not~~ equipped with an onboard refueling vapor recovery (ORVR) system, except for a motor vehicles used in responding to an emergency; ~~and~~
- ~~(E)(iii) Maintain r~~ Records of the date, and quantity of fuel dispensed by into each motor vehicle, and the motor vehicle's ~~the~~ make, model, model year, and vehicle identification number ~~of all vehicle(s) refueled at the facility.;~~
- ~~(F) Such records shall be m~~ Maintain records specified in subparagraph (c)(4)(E) ed at the facility for at least five years; ~~and shall be made~~
- ~~(G) Provide the records specified in subparagraph (c)(4)(E) available to~~ the Executive Officer upon request.

(d) Self-Compliance Program Requirements

The owner/operator of any retail gasoline transfer and dispensing facility shall implement a self-compliance program as follows:

- (1) The self-compliance program shall include the following elements:
  - (A) Daily maintenance inspections shall be conducted in accordance with the protocol specified in Attachment B to ensure proper operating conditions of all components of the vapor recovery systems.
  - (B) Periodic compliance inspections shall be conducted at least once every twelve months and in accordance with the protocol specified in Attachment C to verify the compliance with all applicable District rules and regulations, as well as all permit conditions.
  - (C) Maintenance schedules consistent with the applicable Phase I and Phase II vapor recovery systems and components installed at the gasoline transfer and dispensing facility.
  - (D) A procedure to determine and record the next required test date based on throughput during the 12 months preceding the time of a successful test.
  - (E) An employee training program including the following:

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- (i) Itemized training procedures for employees responsible for conducting any part of the self-compliance program.
  - (ii) A training schedule to periodically train any employee responsible for conducting any part of the self-compliance program.
  - (iii) A record for each employee of the dates of training provided and the next training date.
  - (iv) A procedure to review and establish any additional necessary training following any changes or updates to the CARB Executive Order for the installed vapor recovery system.
- (2) Any equipment with major defect(s) which are identified during the daily maintenance inspections or periodic compliance inspections shall be removed from service, repaired, brought into compliance, and duly entered into the repair logs required under paragraph (e)(6) before being returned to service.
- (3) Defects discovered during self inspection and repaired shall not constitute a violation of Rule 461.
- (4) Training and Certification
  - (A) A person shall not conduct daily maintenance inspections specified in subparagraph (d)(1)(A) or do required recordkeeping unless such person has completed an appropriate District-approved training program.
  - (B) A person shall not conduct periodic compliance inspections specified in subparagraph (d)(1)(B) or do required recordkeeping unless such person has completed an appropriate District-approved training program in the inspection and maintenance of vapor recovery systems and has received a certification issued by the District.
- (e) Testing, Reporting and Recordkeeping Requirements
  - (1) Within 10 calendar days after initial operation of dispensing fuel into a ~~mobile fueler or~~ a vehicle fuel tank, the owner/operator of a new or altered gasoline transfer and dispensing facility shall conduct and successfully pass the performance tests in accordance with the test methods specified in subdivision (f), and any additional tests required by the applicable CARB Executive Orders including the corresponding CARB approved Installation,

Operation and Maintenance Manual and District Permits, to verify the proper installation and operation of Phase I and Phase II vapor recovery systems. Test results shall be submitted as stated in subparagraphs (e)(3)(D) and (e)(3)(E).

- (2) The owner/operator shall conduct and successfully pass the reverification tests in accordance with the test methods specified in subdivision (f), and any additional tests required by the applicable CARB Executive Orders including the corresponding CARB approved Installation, Operation and Maintenance Manual or District Permits, to verify the proper operation of the vapor recovery systems. Test results shall be submitted as stated in subparagraphs (e)(3)(D) and (e)(3)(E).

(A) The reverification tests at retail gasoline transfer and dispensing facilities shall be conducted no less frequently than as scheduled below, based on the facility's maximum monthly gasoline throughput during the 12-month period immediately preceding the required test:

- (i) The owner/operator of a facility with a maximum monthly throughput of 100,000 gallons or greater shall complete the reverification tests semiannually.
- (ii) The owner/operator of a facility with a maximum monthly throughput less than 100,000 gallons shall complete the reverification tests annually.
- (iii) The owner/operator of a facility with less than 12 months throughput data shall conduct reverification tests semiannually. In case of a change of operator of a facility, throughput under the previous owner/operator may be used to determine the applicable test frequency.

(B) The owner/operator of a non-retail gasoline transfer and dispensing facility shall complete the reverification tests annually.

(C) Once a facility reverification testing month(s) are established, subsequent reverification testing shall be conducted during the same months each year. When a new performance test schedule is required due to a facility alteration, new reverification testing months shall be established based on the date of the performance tests.

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- (D) In case of a change of operator, the new operator shall conduct the next reverification test on the same testing month as established by the previous operator, if the previous reverification testing records are available. When no testing records are available, the new operator shall complete all the applicable reverification testing within 30 calendar days of the change of operator.
- (3) A person who conducts performance or reverification tests shall comply with all of the following:
  - (A) Conduct performance or reverification tests in accordance with the applicable test methods listed in subdivision (f) and other CARB testing procedures. Tests shall be conducted using calibrated equipment meeting the calibration range and calibration intervals specified by the manufacturer.
  - (B) Notify the District and obtain a confirmation number at least three days prior to testing (at least one of the days shall be regular District business days), except as specified in paragraph (e)(4). In the event that a performance test or reverification test cannot be conducted at the scheduled date and time, the test may be re-scheduled to a later date and time provided that the District is notified at least 24 hours prior to the originally scheduled time. All notification under this subparagraph shall be provided ~~by electronically via email or other~~ District approved methods. Notwithstanding, the three-day notice may not be required for reverification tests conducted after a drive-off pursuant to clause (c)(2)(G)(i), provided that the person conducting the tests complies with all other applicable provisions of the rule.
  - (C) Conduct performance and reverification tests between the hours of 7:00 a.m. and 8:00 p.m. Monday through Friday. Notwithstanding, the Executive Officer may approve testing on a weekend day (Saturday or Sunday) based on the following criteria:
    - (i) The District shall approve a limited number of reverification testing requests per weekend on a first-come-first-served basis. These reverification tests are subject to the following restrictions:
      - (I) The person conducting the tests has notified the District pursuant to subparagraph (e)(3)(B) for

reverification tests. The requests shall be made no more than 30 calendar days in advance of the testing.

- (II) Tests shall be conducted from 7:00 a.m. through 5:30 p.m.
  - (III) Upon request by the Executive Officer, the person who conducted the tests on a weekend day for which the District staff was not present shall repeat the reverification testing at a mutually acceptable date but no later than 10 calendar days from the day the test was conducted. The GDF shall pay the cost of the repeat reverification testing.
- (ii) The District shall approve all requests for a retest on a weekend day provided that the retest meets the following conditions:
- (I) The retest on a weekend day is necessary as the repairs and retest following a failed reverification test cannot be completed by Friday.
  - (II) The person conducting the test has notified the District pursuant to subparagraph (e)(4)(A) or left a phone notification before midnight of the day before the retest.
  - (III) Tests shall be conducted from 7:00 a.m. through 5:30 p.m.
  - (IV) Upon request by the Executive Officer, the person who conducted the test on a weekend day for which the District staff was not present shall repeat the reverification testing at a mutually acceptable date but no later than 10 calendar days from the day the test was conducted. The GDF shall pay the cost of the repeat reverification testing.
- (D) Submit a copy of the PASS/FAIL test results electronically ~~via~~ a District approved ~~method~~ format to the Executive Officer within 72 hours after each test is conducted. The PASS/FAIL test results are a summary of the overall results of each test.
- (E) Submit the final test report demonstrating compliance within 14 calendar days of the date when all tests were passed. The test report

shall include all the required records of all tests performed, test data, current AQMD facility ID number of the location being tested, the equipment Permit to Operate or Application number, the AQMD ID number of the company performing the tests, a statement whether the system or component tested meets the required standards, and the name, AQMD tester ID number and signature of the person responsible for conducting the tests.

- (F) Successfully completed the District's Tester Orientation class.
  - (G) Successfully completed the International Code Council (ICC) tester certifications (or equivalent state certifications) examination during the previous 24 months. This provision shall take effect six months after such a test becomes available.
  - (H) Successfully re-completed the District's Tester Orientation class after having been cited within any 6-month period for at least two violations of subparagraph (e)(3)(A) of this rule or CARB vapor recovery regulations in such a manner that the violations could have affected the accuracy of a performance or reverification test. The tester shall cease conducting any performance or reverification test after receiving the second notice of violation until such time that the tester has successfully re-completed the District Tester Orientation class.
  - (I) Not committed more than three violations of subparagraph (e)(3)(A) of this rule or CARB vapor recovery regulations in such a manner that the violations could have affected the accuracy of a performance or reverification test during any 12-month period.
- (4) Notwithstanding subparagraph (e)(3)(B), the owner/operator of a gasoline transfer and dispensing facility that has failed a reverification test or portions thereof may retest the facility prior to resuming operation provided that the person conducting the tests has complied with one of the following:
- (A) Notify the District ~~electronically by telephone or other~~ via a District approved methods and obtain a confirmation number at least 12 hours prior to retesting (at least six of the hours shall be regular District business hours); or
  - (B) When all necessary repairs are performed during the same day the facility has failed any of the applicable reverification tests, the owner/operator may retest the facility on the same day without re-

notification, provided that the reasons for the test failure and any repairs performed are properly documented in the test reports and the repair logs pursuant to subparagraphs (e)(6)(B) and (e)(6)(C).

- (5) The owner/operator shall not operate or resume operation of a gasoline transfer and dispensing facility, unless the facility has successfully passed the applicable performance or reverification tests. Notwithstanding the above, when a dispenser associated with any equipment that has failed a reverification test is isolated and shut down, the owner/operator may continue operation or resume operation of the remaining equipment at the facility, provided that test results demonstrate that the remaining equipment is in good operating condition. All test results and the method of isolating the defective equipment shall be documented in the test reports to be submitted to the Executive Officer pursuant to subparagraphs (e)(6)(C), (e)(3)(D) and (e)(3)(E).

(6) Recordkeeping

A person who performs the installation of components, self-compliance inspections, repairs or testing at any gasoline transfer and dispensing facility, including, but not limited to, the activities for normal operation and maintenance, performance testing, reverification testing and those following a drive-off, shall provide to the owner/operator all records listed below, as applicable, at the end of each day when the service is provided. The owner/operator of any retail or non-retail gasoline transfer and dispensing facility shall maintain all records listed below and any other test results or maintenance records that are required to demonstrate compliance on site for a period of at least two years (or five years for Title V facilities). Notwithstanding, records for non-retail gasoline dispensing facilities that are unmanned may be kept at other locations approved by the Executive Officer. All records shall be made available to the Executive Officer upon request both on site during inspections and offsite as specified.

- (A) Records of all components installed, defective components identified or repaired during self-compliance inspections.
- (B) Repair logs, which shall include:
- (i) Date and time of each repair.
  - (ii) The name of the person(s) who performed the repair, and, if applicable, the name, address and phone number of the person's employer.

- (iii) Description of service performed.
  - (iv) Each component that was installed, repaired, serviced, or removed, including the required component identification information pursuant to subparagraph (c)(3)(A).
  - (v) Each component that was installed as replacement, if applicable, including the required component identification information pursuant to subparagraph (c)(3)(A).
  - (vi) Receipts for parts used in the repair and, if applicable, work orders, which shall include the name and signature of the person responsible for performing the repairs.
- (C) Records of tests, which shall include:
- (i) Date and time of each test.
  - (ii) District confirmation number of notifications.
  - (iii) Name, affiliation, address and phone number of the person(s) who performed the test.
  - (iv) Test data and calibration data for all equipment used.
  - (v) Date and time each test is completed and the facility owner/operator is notified of the results. For a test that fails, a description of the reasons for the test failure shall also be included.
  - (vi) For a retest following a failed performance or reverification test, description of repairs performed pursuant to subparagraph (e)(4)(B).
  - (vii) Copies of test reports in District approved format.
- (D) Monthly gasoline throughput records.
- (E) Records to prove that the installer/contractor that installed or altered the ~~e~~Enhanced ~~v~~Vapor ~~r~~Recovery equipment has successfully completed a manufacturer training program and any relevant state certification program applicable to the Phase I and Phase II ~~e~~Enhanced ~~v~~Vapor ~~r~~Recovery systems and associated components as specified in subparagraph (c)(3)(A).
- (f) Performance and Reverification Test Methods
- All required tests shall be conducted in accordance with the most recently CARB approved version of CARB test methods or as stated in the applicable CARB Executive Orders including the corresponding Installation, Operation and

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Maintenance Manual test procedures or any other test methods approved in writing by the USEPA, CARB, or the District.

(g) Exemptions

- (1) The provisions of this rule shall not apply to the transfer of gasoline into testing equipment used to verify the efficiency of the vapor recovery system by CARB or the District or testing contractors, the accuracy of the gasoline dispensing equipment by the Department of Weight and Measures, and the fire safety standards by the Fire Department.
- (2) The requirements of paragraph (c)(2) shall not apply to the fueling of Tournament of Roses parade floats.
- (3) For the purposes of this rule, any requirement for equipment or component(s) to be CARB certified where an applicable valid Executive Order has not been issued by CARB shall not apply until an applicable Executive Order becomes effective.

(h) Rule 1402 Inventory Requirements

A retail gasoline transfer and dispensing facility that is in compliance with all applicable provisions of this rule, CARB Executive Orders, and District permit conditions shall not be required to submit an emission inventory to the Executive Officer, pursuant to subparagraph ~~(n)(1)(B)~~(p)(1)(B) of Rule 1402 - Control of Toxic Air Contaminants from Existing Sources, and is deemed in compliance with the requirements of Rule 1402, unless the facility exceeds the significant risk level as defined in Rule 1402.

**ATTACHMENT A**

**AQMD-REQUIRED SIGNS**

- I. The operator shall post nozzle operating instructions and the following signs:
- (A) SCAQMD toll-free telephone number: "If you have nozzle problems, please call the Air Quality Management District at the toll-free number (800) 242-4020;" or equivalent information approved in writing by the Executive Officer; and
  - (B) A "warning" stating:

**"TOXIC RISK - FOR YOUR OWN PROTECTION  
DO NOT BREATHE FUMES  
DO NOT TOP TANKS"**

- II. All required signs shall conform to all of the following:
- (A) For decal signs:
    - (i) Each sign shall be visible from all fueling positions it serves; and
    - (ii) Sign shall be readable from a distance of 3 feet.
  - (B) All other signs:
    - (i) For pump toppers, one double-back sign per island;
    - (ii) For permanent (non-decal) signs, two single-sided or one double-sided sign(s) per two (2) dispensers.
    - (iii) All signs shall be readable from a distance of 6 feet.

**ATTACHMENT B**

**DAILY MAINTENANCE INSPECTION PROTOCOL**

The owner/operator of a retail gasoline transfer and dispensing facility shall at minimum verify the following during the daily maintenance inspections:

**(A) PHASE I VAPOR RECOVERY SYSTEM INSPECTION**

1. The spill container is clean and does not contain gasoline. The spill containment drain valve shall be vapor-tight.
2. The fill caps are not missing, damaged or loose.
3. If applicable:
  - a. the ~~spring-loaded~~-submerged fill tube seals properly against the ~~coaxial~~-fitting
  - b. the dry break (popet valve) is not missing or damaged.
4. The submerged fill tube is not missing or damaged.

**(B) PHASE II VAPOR RECOVERY SYSTEM INSPECTION**

1. The fueling instructions are clearly displayed with the appropriate toll-free complaint phone number and toxic warning signs.
2. The following nozzle components are in place and in good condition, as specified in CARB Executive Orders:
  - a. faceplate/facecone; vapor splash guard/fill guard/efficiency compliance device (ECD)/VEG
  - b. bellows
  - c. latching device spring
  - d. vapor check valve
  - e. spout (proper diameter/vapor collection holes)
  - f. insertion interlock mechanism
  - g. automatic shut-off mechanism
  - h. hold open latch
3. The hoses are not torn, flattened or crimped.
4. For vacuum-assist systems, the vapor processing unit and burner are functioning properly.

**(C) RECORDS OF DEFECTIVE COMPONENTS**

**ATTACHMENT C**

**PERIODIC COMPLIANCE INSPECTION PROTOCOL**

The owner/operator of a retail gasoline transfer and dispensing facility shall at minimum verify the following during the periodic compliance inspections:

**(A) GENERAL INSPECTION**

1. The District permit is current.
2. The equipment and District permit description match.
3. The facility complies with all permit conditions.
4. The required sign is properly posted and the sign contains all the necessary information. (i.e., toll-free complaint phone number, toxic warning sign, etc.)

**(B) PHASE I VAPOR RECOVERY SYSTEM INSPECTION**

1. The spill container is clean and does not contain gasoline.
2. The fill caps are not missing, damaged or loose.
3. If applicable:
  - a. the spring-loaded submerged fill tube seals properly against the coaxial fitting
  - b. the dry break (poppet valve) is not missing or damaged.
4. The submerged fill tube is not missing or damaged.
5. The distance between the highest level of the discharge opening of the submerged fill tube and the bottom of the stationary storage tank does not exceed six inches (6").
6. The Phase I vapor recovery system complies with required CARB certification and is properly installed.
7. The spill box complies with required CARB certification and is properly installed.
8. The vent pipes are equipped with required pressure/vacuum relief valves.

**(C) PHASE II VAPOR RECOVERY SYSTEM INSPECTION**

1. The fueling instructions are clearly displayed.
2. Each nozzle is the current CARB-certified model.

**ATTACHMENT C - CONTINUED**

3. Each nozzle is installed in accordance with the applicable CARB Executive Orders.
4. The following nozzle components are in place and in good condition, as specified in CARB Executive Orders or California Code of Regulations, Title 17, Part III, Chapter 1, subchapter 8, section 94006 or Health and Safety Code Section 41960.2 (e):
  - a. faceplate/facecone; vapor splash guard/fill guard/efficiency compliance device (ECD)
  - b. bellows
  - c. latching device spring
  - d. vapor check valve
  - e. spout (proper diameter/vapor collection holes)
  - f. insertion interlock mechanism
  - g. automatic shut-off mechanism
  - h. Hold open latch
5. The hoses are not torn, flattened or crimped.
6. The vapor recovery hoses are the required size and length.
7. The hoses with retractors are adjusted to maintain a proper loop, and the bottom of the loop is within the distance from the island surface certified by the CARB Executive Order for that particular dispenser configuration.
8. The vapor recovery nozzles are equipped with required hoses.
9. The bellows-equipped vapor recovery nozzles are equipped with CARB certified insertion interlock mechanisms.
10. If required, the flow limiter is not missing and is installed properly.
11. The swivels are not missing, defective, or leaking, and the dispenser-end swivels, if applicable, are Fire-Marshall approved with 90-degree stops.
12. If required, the liquid removal devices comply with required CARB certifications and are properly installed.
13. For bellows-less nozzles, the hoses are inverted coaxial type ~~except for Hirt systems~~, and the vapor collection holes are not obstructed.
14. For vacuum-assist systems, the vapor processing unit and burner are functioning properly.

~~**ATTACHMENT C CONTINUED**~~

15. ~~For aspirator assist systems, the major components (i.e. aspirator or jet pump, modulating valve, and vapor check valve) are present inside each dispenser. For aspirator assist systems with certification required calibration stickers, the current calibration sticker is present.~~

**ATTACHMENT F-3**

(PAR 219 January 7, 2022)

**PROPOSED AMENDED RULE 219      EQUIPMENT NOT REQUIRING A  
WRITTEN PERMIT PURSUANT TO REGULATION II**

**[Rule Index to be updated after adoption]**

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(Amended May 5, 2017)(Amended April 6, 2018) (PAR 219 January 7, 2022)

**PROPOSED AMENDED RULE 219 - EQUIPMENT NOT REQUIRING A  
WRITTEN PERMIT PURSUANT TO REGULATION II**

Purpose

The purpose of this rule is to identify equipment, processes, or operations that emit small amounts of air contaminants that shall not require written permits, unless such equipment, process or operation is subject to subdivision (s) – Exceptions. In addition, exemption from written permit requirements in this rule is only applicable if the equipment, process, or operation is in compliance with subdivision (t).

Written permits are not required for:

- (a) Mobile Equipment
- (1) motor vehicle or vehicle as defined by the California Vehicle Code; or
  - (2) marine vessel as defined by Health and Safety Code Section 39037.1; or
  - (3) a motor vehicle or a marine vessel that uses one internal combustion engine to propel the motor vehicle or marine vessel and operate other equipment mounted on the motor vehicle or marine vessel; or
  - (4) equipment which is mounted on a vehicle, motor vehicle or marine vessel if such equipment does not emit air contaminants;
  - (5) asphalt pavement heaters (which are any mobile equipment used for the purposes of road maintenance and new road construction) provided a filing pursuant to Rule 222 is submitted to the Executive Officer.

This subdivision does not apply to air contaminant emitting equipment which is mounted and operated on motor vehicles, marine vessels, mobile hazardous material treatment systems, mobile day tankers [except those carrying solely fuel oil with an organic vapor pressure of 5 mm Hg (0.1 psi) absolute or less at 21.1 °C (70 °F)].

- (b) Combustion and Heat Transfer Equipment

- (1) Internal combustion engines with a manufacturer's rating of 50 brake horsepower or less; or internal combustion engines, used exclusively for electrical generation at remote two-way radio transmission towers where no utility, electricity or natural gas is available within a ½ mile radius, with a manufacturer's rating of 100 brake horsepower or less and are fired exclusively on diesel #2 fuel, compressed natural gas (CNG) or liquefied petroleum gas (LPG); or stationary gas turbine engines including micro-turbines, with a rated maximum heat input capacity of 3,500,000 British thermal units (Btu) per hour or less, provided that the cumulative power output of all such engines at a facility is less than two megawatts, and that the engines are certified at the time of manufacture with the state of California or were in operation prior to May 3, 2013 provided a filing pursuant to Rule 222 is submitted to the Executive Officer.
- (2) Boilers, process heaters, or any combustion equipment that has a rated maximum heat input capacity of 2,000,000 Btu per hour (gross) or less and are equipped to be heated exclusively with natural gas, methanol, liquefied petroleum gas, or any combination thereof; or diesel fueled boilers that have a rated maximum heat input capacity of 2,000,000 Btu per hour or less, are fueled exclusively with diesel #2 fuel, and are located more than 4,000 feet above sea level or more than 15 miles offshore from the mainland, and where the maximum NOx emission output of the equipment is less than one pound per day and uses less than 50 gallons of fuel per day, and have been in operation prior to May 3, 2013 provided a filing pursuant to Rule 222 is submitted to the Executive Officer. This exemption does not apply to internal combustion engines or turbines. This exemption does not apply whenever there are emissions other than products of combustion, except for food ovens with a rated maximum heat input capacity of 2,000,000 Btu/hour or less, that are fired exclusively on natural gas and where the process VOC emissions are less than one pound per day, and provided a filing pursuant to Rule 222 is submitted to the Executive Officer.
- (3) Portable diesel fueled heaters, with a rated maximum heat input capacity of 250,000 Btu per hour or less, and that are equipped with burner(s) designed to fire exclusively on diesel fuel only provided a filing pursuant to Rule 222 is submitted to the Executive Officer.

- (4) Power pressure washers and hot water or steam washers and cleaners, that are equipped with a heater or burner that is designed to be fired on diesel fuel, has a rated maximum heat input capacity of 550,000 Btu per hour or less, is equipped with non-resettable chronometer, and the maximum NOx emission output of the equipment is less than one pound per day and uses no more than 50 gallons of fuel per day provided a filing pursuant to Rule 222 is submitted to the Executive Officer. This exemption does not apply to internal combustion engines or turbines.
  - (5) Fuel cells, which produce electricity in an electro-chemical reaction and use phosphoric acid, molten carbonate, proton exchange membrane, or solid oxide technologies; and associated heating equipment, provided the heating equipment:
    - (A) does not use a combustion source; or
    - (B) notwithstanding paragraph (b)(2), is fueled exclusively with natural gas, methanol, liquefied petroleum gas, or any combination thereof, including heaters that have a rated maximum heat input capacity of greater than 2,000,000 Btu per hour, provided that the supplemental heat used is 90,000 therms per year or less and provided a filing pursuant to Rule 222 is submitted to the Executive Officer.
  - (6) Test cells and test stands used for testing burners or internal combustion engines provided that the equipment uses less than 800 gallons of diesel fuel and 3,500 gallons of gasoline fuel per year, or uses other fuels with equivalent or less emissions.
  - (7) Internal combustion engines used exclusively for training at educational institutions.
  - (8) Portable combustion equipment, pursuant to subdivision (r).
- (c) Structures and Equipment - General
- (1) Structural changes which cannot change the quality, nature or quantity of air contaminant emissions.
  - (2) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.
  - (3) Identical replacement in whole or in part of any equipment where a permit to operate had previously been granted for such equipment under Rule 203, except seals for external or internal floating roof storage tanks.

- (4) Replacement of floating roof tank seals provided that the replacement seal is of a type and model which the Executive Officer has determined is capable of complying with the requirements of Rule 463.
  - (5) Equipment utilized exclusively in connection with any structure which is designed for and used exclusively as a dwelling for not more than four families, and where such equipment is used by the owner or occupant of such a dwelling. .
  - (6) Laboratory testing and quality control testing equipment used exclusively for chemical and physical analysis, non-production bench scale research equipment, and control equipment exclusively venting such equipment. Laboratory testing equipment does not include engine test stands or test cells unless such equipment is also exempt pursuant to paragraph (b)(4).
  - (7) Vacuum-producing devices used in laboratory operations or in connection with other equipment not requiring a written permit.
  - (8) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.
  - (9) Hoods, stacks, or ventilators.
  - (10) Passive and intermittently operated active venting systems used at and around residential structures to prevent the accumulation of naturally occurring methane and associated gases in enclosed spaces.
  - (11) Sub-slab Ventilation systems including associated air pollution control equipment with an aggregate flow rate of less than 200 standard cubic feet per minute (scfm) where vacuum suction pits do not penetrate more than 18 inches below the bottom of the slab, provided the inlet total organic compounds concentration does not exceed 15 ppmv, measured as hexane, and provided the ventilations system is connected to air pollution control equipment consisting of a carbon adsorber sized to handle at least 200 scfm, or equivalent air pollution control.
- (d) Utility Equipment - General
- (1) Comfort air conditioning or ventilating systems which are not designed or used to remove air contaminants generated by, or released from, specific equipment units, provided such systems are exempt pursuant to paragraph (b)(2).
  - (2) Refrigeration units except those used as or in conjunction with air pollution control equipment.

- (3) Water cooling towers and water cooling ponds, both not used for evaporative cooling of process water or used for evaporative cooling of water from barometric jets or from barometric condensers and in which no chromium compounds are contained, including:
    - (A) Cooling towers used for comfort cooling; and
    - (B) Industrial cooling towers located in a chemical plant, refinery or other industrial facility, provided a filing pursuant to Rule 222 is submitted to the Executive Officer.
  - (4) Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes.
  - (5) Equipment used exclusively for steam cleaning provided such equipment is also exempt pursuant to paragraph (b)(2).
  - (6) Equipment used exclusively for space heating provided such equipment is exempt pursuant to paragraph (b)(2).
  - (7) Equipment used exclusively to compress or hold purchased quality natural gas, except internal combustion engines not exempted pursuant to paragraph (b)(1).
  - (8) Emergency ventilation systems used exclusively to scrub ammonia from refrigeration systems during process upsets or equipment breakdowns.
  - (9) Emergency ventilation systems used exclusively to contain and control emissions resulting from the failure of a compressed gas storage system.
  - (10) Passive carbon adsorbers, with a maximum vessel capacity of no more than 120 gallons, without mechanical ventilation, and used exclusively for odor control at wastewater treatment plants, food waste slurry storage tanks, or sewer collection systems, including sanitary sewers, manholes, and pump stations.
  - (11) Refrigerant recovery and/or recycling units. This exemption does not include refrigerant reclaiming facilities.
  - (12) Carbon arc lighting equipment provided such equipment is exempt pursuant to paragraph (b)(1).
- (e) Glass, Ceramic, Metallurgical Processing, and Fabrication Equipment
- (1) Crucible-type or pot-type furnaces with a brimful capacity of less than 7400 cubic centimeters (452 cubic inches) of any molten metal and control equipment exclusively venting the equipment.

- (2) Crucible furnaces, pot furnaces, or induction furnaces with a capacity of 450 kilograms (992 pounds) or less each, and control equipment used to exclusively vent the equipment where no sweating or distilling is conducted and where only the following materials are poured or held in a molten state:
  - (A) Aluminum or any alloy containing over 50 percent aluminum,
  - (B) Magnesium or any alloy containing over 50 percent magnesium,
  - (C) Tin or any alloy containing over 50 percent tin,
  - (D) Zinc or any alloy containing over 50 percent zinc,
  - (E) Copper or any alloy containing over 50 percent copper,
  - (F) Precious metals, and
  - (G) Ceramic materials, including glass and porcelain.Provided these materials do not contain alloying elements of arsenic, beryllium, cadmium, chromium and/or lead and such furnaces are exempt pursuant to paragraph (b)(2).
- (3) Molds used for the casting of metals and control equipment used to exclusively vent the equipment.
- (4) Inspection equipment used exclusively for metal, plastic, glass, or ceramic products and control equipment used to exclusively vent such equipment.
- (5) Ovens used exclusively for curing potting materials or castings made with epoxy resins, provided such ovens are exempt pursuant to paragraph (b)(2).
- (6) Hand-held or automatic brazing and soldering equipment, and control equipment that exclusively vents such equipment, provided that the equipment uses one quart per day or less or 22 quarts per calendar month or less of material containing VOC. This exemption does not include hot oil, hot air, or vapor phase solder leveling equipment and related control equipment.
- (7) Brazing ovens where no volatile organic compounds (except flux) are present in the materials processed in the ovens, provided such ovens are exempt pursuant to paragraph (b)(2).
- (8) Welding equipment, oxygen gaseous fuel-cutting equipment, hand-held plasma-arc cutting equipment, hand-held laser cutting equipment, laser etching or engraving equipment and associated air pollution control equipment. This exemption does not include cutting equipment described in this paragraph that is used to cut stainless steel, or alloys containing 0.1% by weight or more of chromium, nickel, cadmium or lead, unless the

equipment is used exclusively for maintenance or repair operations. In addition this exemption does not include laser cutting, etching and engraving equipment that are rated more than 400 watts,.

- (9) Sintering equipment used exclusively for the sintering of metal (excluding lead) or glass where no coke or limestone is used, and control equipment exclusively venting such equipment, provided such equipment is exempt pursuant to paragraph (b)(2).
- (10) Mold forming equipment for foundry sand to which no heat is applied, and where no volatile organic materials are used in the process, and control equipment used to exclusively vent such equipment.
- (11) Metal forming equipment or equipment used for heating metals for forging, rolling, pressing, or drawing of metals provided that any lubricants used have 50 grams or less of VOC per liter of material or a VOC composite partial pressure of 20 mm Hg or less at 20 °C (68 °F) provided such heaters are exempt pursuant to paragraph (b)(2) and control equipment exclusively venting the equipment.
- (12) Heat treatment equipment and associated water quench tanks used exclusively for heat treating glass or metals (provided no volatile organic compound materials are present), or equipment used exclusively for case hardening, carburizing, cyaniding, nitriding, carbonitriding, siliconizing or diffusion treating of metal objects, provided any combustion equipment involved is exempt pursuant to paragraph (b)(2).
- (13) Ladles used in pouring molten metals.
- (14) Tumblers used for the cleaning or deburring of solid materials, and associated air pollution control equipment.
- (15) Die casting machines, except those used for copper base alloys, those with an integral furnace having a brimful capacity of more than 450 kg (992 lbs.), or those using a furnace not exempt pursuant to paragraph (b)(2).
- (16) Furnaces or ovens used for the curing or drying of porcelain enameling, or vitreous enameling provided such furnaces or ovens are exempt pursuant to paragraph (b)(2).
- (17) Wax burnout kilns where the total internal volume is less than 0.2 cubic meter (7.0 cubic feet) or kilns used exclusively for firing ceramic ware, provided such kilns are exempt pursuant to paragraph (b)(2) and control equipment used to exclusively vent the equipment.

- (18) Shell-core and shell-mold manufacturing machines.
  - (19) Furnaces used exclusively for melting titanium materials in a closed evacuated chamber where no sweating or distilling is conducted, provided such furnaces are exempt pursuant to paragraph (b)(2).
  - (20) Vacuum metallizing chambers which are electrically heated or heated with equipment that is exempt pursuant to paragraph (b)(2), and control equipment used to exclusively vent such equipment, provided the control equipment is equipped with a mist eliminator or the vacuum pump used with control equipment demonstrates operation with no visible emissions from the vacuum exhaust.
  - (21) Notwithstanding the exemptions in paragraph (e)(12), equipment existing as of May 5, 2017 that is subject to the exemption in paragraph (e)(12) that is an integral part of an operation requiring a written permit shall continue to be exempt, provided the equipment is identified, described in detail and submitted for inclusion into the permit equipment description with any associated application for Permit to Construct or Permit to Operate. Equipment described in this paragraph includes, but is not limited to quench tanks that are part of a heat treating operation.
- (f) Abrasive Blasting Equipment
- (1) Blast cleaning cabinets in which a suspension of abrasive in water is used and control equipment used to exclusively vent such equipment.
  - (2) Manually operated abrasive blast cabinet, vented to a dust-filter where the total internal volume of the blast section is 1.5 cubic meters (53 cubic feet) or less, and any dust filter exclusively venting such equipment.
  - (3) Enclosed equipment used exclusively for shot blast removal of flashing from rubber and plastics at sub-zero temperatures and control equipment exclusively venting such equipment.
  - (4) Shot peening operations, flywheel type and control equipment used to exclusively vent such equipment.
  - (5) Portable sand/water blaster equipment and associated internal combustion engine provided the water in the mixture is 66 percent or more by volume is maintained during operation of such equipment. Internal combustion engines must be exempt pursuant to paragraph (b)(1).
- (g) Mechanical Equipment

- (1) Equipment used exclusively for buffing (except tire buffers), polishing, carving, mechanical cutting, drilling, machining, pressing, routing, sanding, stamping, surface grinding or turning provided that any lubricants, coolants, or cutting oils used have 50 grams or less of VOC per liter of material or a VOC composite partial pressure of 20 mm Hg or less at 20 °C (68 °F) and control equipment used to exclusively vent such equipment. This exemption does not include asphalt pavement grinders, or portable asphalt recycling equipment.
  - (2) Wood Products: Equipment used exclusively for shredding of wood, or the extruding, handling, or storage of wood chips, sawdust, or wood shavings and control equipment used to exclusively vent such equipment, provided the source of the wood does not include wood that is painted or treated for exterior exposure, or wood that is comingled with other construction and demolition materials. This exemption does not include internal combustion engines over 50 bhp, which are used to supply power to such equipment. In addition, this exemption does not include the shredding, extruding, handling or storage of any organic waste material generated from gardening, agricultural, or landscaping activities including, but not limited to, leaves, grass clippings, tree and shrub trimmings and plant remains.
  - (3) Equipment used exclusively to mill or grind coatings or molding compounds where all materials charged are in the paste form.
  - (4) Equipment used for separation or segregation of plastic materials intended for recycling, provided there is no mechanical cutting, shredding or grinding and where no odors are emitted.
- (h) **Printing and Reproduction Equipment**
- (1) Printing and related coating and/or laminating equipment and associated dryers and curing equipment, as well as associated air pollution control equipment, provided such dryers and curing equipment are exempt pursuant to paragraph (b)(2), and air pollution control equipment is not required for source specific rule compliance, and provided that:
    - (A) the VOC emissions from such equipment (including clean-up) are three pounds per day or less or 66 pounds per calendar month or less; or
    - (B) the total quantity of plastisol type inks, coatings and adhesives and associated VOC containing solvents (including clean-up) used is six

(6) gallons per day or less or 132 gallons per calendar month or less;  
or

- (C) the total quantity of UV/EB/LED (non-solvent based and non-waterborne) inks, coatings, and adhesives, fountain solutions (excluding water) and associated VOC containing solvents (including clean-up) is six (6) gallons per day or less, or 132 gallons per calendar month or less; or
- (D) the total quantity of inks, coatings and adhesives not specified in (B) or (C) above, fountain solutions (excluding water) and associated VOC containing solvents (including clean-up) used is two (2) gallons per day or less or 44 gallons per calendar month or less; or
- (E) all inks, coatings and adhesives, fountain solutions, and associated VOC containing solvents (excluding cleanup solvents) contain fifty (50) grams or less of VOC per liter of material and all cleanup solvents contain twenty five (25) grams or less of VOC per liter of material, and the total quantity of VOC emissions do not exceed one ton per calendar year, and provided that either:
  - (i) a filing pursuant to Rule 222 is submitted to the Executive Officer; or
  - (ii) within 60 days after start-up for new, relocated, or modified facilities, or by March 1, 2018 for facilities existing as of May 5, 2017, a low-VOC verification is submitted to the Executive Officer, in a format approved by the Executive Officer, to demonstrate compliance with material and cleanup solvent VOC concentration limits and the annual VOC emission limit.

If combination of the inks, coatings, and adhesives identified in (B), (C) and/or (D) are used in any equipment, this exemption is only applicable if the operations meet the criteria specified in (A) or (E), or the total usage of inks, coatings, adhesives, fountain solutions (excluding water) and associated VOC containing solvents (including cleanup) meets the most stringent applicable limit in (B) (C) or (D). For exemptions based on usage, solvent based UV and waterborne UV materials are subject to the usage limits in (D). VOC emissions shall be determined using test methods approved by the District, CARB and U.S. EPA. In the absence of

approved test methods, the applicant can submit VOC calculation procedures acceptable to the District.

- (2) Photographic process equipment by which an image is reproduced upon material sensitized by radiant energy and control equipment exclusively venting such equipment, excluding wet gate printing utilizing perchloroethylene and its associated control equipment.
  - (3) Lithographic printing equipment which uses laser printing.
  - (4) Printing equipment used exclusively for training and non-production at educational institutions.
  - (5) Flexographic plate making and associated processing equipment.
  - (6) Corona treating equipment and associated air pollution control equipment used for surface treatment in printing, laminating and coating operations.
  - (7) Hand application of materials used in printing operations including but not limited to the use of squeegees, screens, stamps, stencils, any hand tools, and associated air pollution control equipment used to exclusively vent the hand application of materials in printing operations unless such air pollution control equipment is required for source specific rule compliance.
- (i) Pharmaceuticals, Cosmetics, and Food Processing and Preparation Equipment
- (1) Smokehouses for preparing food in which the maximum horizontal inside cross-sectional area does not exceed 2 square meters (21.5 square feet) and control equipment exclusively venting the equipment.
  - (2) Smokehouses exclusively using liquid smoke, and which are completely enclosed with no vents to either a control device or the atmosphere.
  - (3) Confection cookers where products are edible and intended for human consumption, provided such equipment is exempt pursuant to (b)(2).
  - (4) Grinding, blending, or packaging equipment used exclusively for tea, cocoa, roasted coffee, flavor, fragrance extraction, dried flowers, or spices, provided that the facility uses less than one gallon per day or twenty-two (22) gallons per month of VOC containing solvents, and control equipment used to exclusively vent such equipment.
  - (5) Equipment used in eating establishments for the purpose of preparing food for human consumption.
  - (6) Equipment used to convey or process materials in bakeries or used to produce noodles, macaroni, pasta, food mixes, and drink mixes where products are edible and intended for human consumption provided that the

facility uses less than one gallon per day or twenty-two (22) gallons per month of VOC containing solvents, and control equipment exclusively venting such equipment. This exemption does not include storage bins located outside buildings, or equipment not exempt pursuant to paragraph (b)(2).

- (7) Cooking kettles where the entire product in the kettle is edible and intended for human consumption. This exemption does not include deep frying equipment used in facilities other than eating establishments.
- (8) Coffee roasting equipment with a maximum capacity of 15 kilograms or less, and control equipment used to exclusively vent the equipment.
- (9) Equipment used exclusively for tableting, or packaging vitamins, or coating vitamins, herbs, or dietary supplements provided that the equipment uses waterborne solutions that contain a maximum VOC content of no more than 25 grams per liter, or the facility uses less than one gallon per day or twenty-two (22) gallons per month of VOC containing solvents, and control equipment used exclusively to vent such equipment.
- (10) Equipment used exclusively for tableting or packaging pharmaceuticals and cosmetics, or coating pharmaceutical tablets, provided that the equipment uses waterborne solutions that contain a maximum VOC content of no more than 25 grams per liter, or the facility uses less than one gallon per day or twenty-two (22) gallons per month of VOC containing solvents, and control equipment used exclusively to vent such equipment.
- (11) Modified atmosphere food packaging equipment using mixture of gases of no more than 0.4% of carbon monoxide by volume.
- (12) Charbroilers, barbecue grills, and other underfired grills fired on solid or gaseous fuels used in multi-family residential units only if used by the owner or occupant of such dwelling for non-commercial purposes.
- (13) Equipment used to brew beer for human consumption at breweries that produce less than 1,000,000 gallons of beer per calendar year and associated equipment cleaning, provided all equipment used in the manufacturing operation is exempt pursuant to paragraph (b)(2). This exemption does not apply to boilers.
- (14) Equipment used to manufacture dehydrated meat for human or pet consumption, provided non-combustion VOC and PM emissions, including emissions from materials used for cleaning are each one pound per day or

less, and the operating temperature is less than 190 degrees Fahrenheit for dehydrating ovens, and provided such equipment is either fired exclusively on natural gas with a maximum heat input capacity of 2,000,000 Btu/hour or less, or is electric.

- (j) **Plastics, Composite, and Rubber Processing Equipment**
- (1) Presses or molds used for curing, post curing, or forming composite products and plastic products where no VOC or chlorinated blowing agent is present, and control equipment is used exclusively to vent these presses or molds.
  - (2) Presses or molds with a ram diameter of less than or equal to 26 inches used for curing or forming rubber products and composite rubber products excluding those operating above 400 °F.
  - (3) Ovens used exclusively for the forming of plastics or composite products, where no foam forming or expanding process is involved.
  - (4) Equipment used exclusively for softening or annealing plastics, provided such equipment is exempt pursuant to paragraph (b)(2). This exemption does not include equipment used for recycling of expanded polystyrene.
  - (5) Extrusion equipment used exclusively for extruding rubber products or plastics where no organic plasticizer is present, or for pelletizing polystyrene foam scrap, except equipment used to extrude or to pelletize acrylics, polyvinyl chloride, polystyrene, and their copolymers.
  - (6) Injection or blow molding equipment for rubber or plastics where no blowing agent is used, or where only compressed air, water or carbon dioxide is used as a blowing agent, and control equipment used to exclusively vent such equipment.
  - (7) Mixers, roll mills and calendars for rubber or plastics where no material in powder form is added and no VOC containing solvents, diluents or thinners are used.
  - (8) Ovens used exclusively for the curing of vinyl plastisols by the closed-mold curing process, provided such ovens are exempt pursuant to paragraph (b)(2).
  - (9) Equipment used exclusively for conveying and storing plastic materials, provided they are not in powder form and control equipment exclusively venting the equipment.
  - (10) Hot wire cutting of expanded polystyrene foam and woven polyester film.

- (11) Photocurable stereolithography equipment and associated post curing equipment.
- (12) Laser sintering equipment used exclusively for the sintering of nylon or plastic powders and control equipment exclusively venting such equipment, provided such equipment is exempt pursuant to paragraph (b)(2).
- (13) Roller to roller coating systems that create 3-dimensional images provided:
  - (A) the VOC emissions from such equipment (including cleanup) are three (3) pounds per day or less or 66 pounds per calendar month or less; or
  - (B) the coatings contain twenty five (25) grams or less of VOC per liter of material provided that the coating used on such equipment is 12 gallons per day or less or 264 gallons per calendar month or less; or
  - (C) the coatings contain fifty (50) grams or less of VOC per liter of material, and using exclusively cleanup solvents containing twenty five (25) grams or less of VOC per liter of material, and the total quantity of VOC emissions do not exceed one ton per calendar year, and provided a filing pursuant to Rule 222 is submitted to the Executive Officer.

VOC emissions shall be determined using test methods approved by the District, CARB and U.S. EPA. In the absence of approved test methods, the applicant can submit VOC calculation procedures acceptable to the District.

- (k) **Mixing, Blending, and Packaging Equipment**
  - (1) Batch mixers, which have a brimful capacity of 55 gallons or less (7.35 cubic feet) and control equipment used exclusively to vent the equipment, and associated filling equipment.
  - (2) Equipment used exclusively for mixing and blending of materials where no VOC containing solvents are used and no materials in powder form are added, and associated filling equipment.
  - (3) Equipment used exclusively for mixing and blending of materials to make water emulsions of asphalt, grease, oils, or waxes where no materials in powder or fiber form are added.
  - (4) Equipment used to blend, grind, mix, or thin liquids to which powders may be added, with a capacity of 950 liters (251 gallons) or less, where no

- supplemental heat is added and no ingredient charged (excluding water) exceeds 135 °F and control equipment exclusively venting the equipment.
- (5) Cosmetics filling stations where the filling equipment is hard piped to the cosmetics mixer or the holding tank feeding the filling equipment provided that the mixer and holding tank is exempt under this rule.
  - (6) Concrete mixers, with a rated working capacity of one cubic yard or less and control equipment used exclusively to vent the equipment.
  - (7) Equipment used exclusively for the packaging of lubricants or greases.
  - (8) Equipment used exclusively for the packaging of sodium hypochlorite-based household cleaning or sodium hypochlorite-based pool products and control equipment used exclusively to vent the equipment.
  - (9) Foam packaging equipment using twenty (20) gallons per day or less or 440 gallons per calendar month or less of liquid foam material or containing fifty (50) grams of VOC per liter of material, or less.
- (1) Coating and Adhesive Process/Equipment
- (1) Equipment used exclusively for coating objects with oils, melted waxes or greases which contain no VOC containing materials, including diluents or thinners.
  - (2) Equipment used exclusively for coating objects by dipping in waxes or natural and synthetic resins which contain no VOC containing materials including, diluents or thinners.
  - (3) Batch ovens with 1.5 cubic meters (53 cubic feet) or less internal volume where no melting occurs, provided such equipment is exempt pursuant to paragraph (b)(2). This exemption does not include ovens used to cure vinyl plastisols or debond brake shoes.
  - (4) Ovens used exclusively to cure 30 pounds per day or less or 660 pounds per calendar month or less of powder coatings, provided that such equipment is exempt pursuant to paragraph (b)(2).
  - (5) Spray coating equipment operated within control enclosures.
  - (6) Coating or adhesive application or laminating equipment such as air, airless, air-assisted airless, high volume low pressure (HVLV), air brushes, electrostatic spray equipment, roller coaters, dip coaters, vacuum coaters, flow coaters and spray machines provided that:

- (A) the VOC emissions from such equipment (including clean-up) are three (3) pounds per day or less or 66 pounds per calendar month or less; or
- (B) the total quantity of UV/EB/LED (non-solvent based and non-waterborne) coatings adhesives and associated VOC containing solvents (including clean-up) used in such equipment is six (6) gallons per day or less or 132 gallons per calendar month or less; or
- (C) the total quantity of organic solvent based coatings and adhesives and associated VOC containing solvents (including clean-up) used in such equipment is one (1) gallon per day or less or 22 gallons per calendar month or less; or
- (D) the total quantity of water reducible or waterborne coatings and adhesives and associated VOC containing solvents (including clean-up) used in such equipment is three (3) gallons per day or less or 66 gallons per calendar month or less; or
- (E) the total quantity of polyester resin and gel coat type materials and associated VOC containing solvents (including clean-up) used in such equipment is one (1) gallon per day or less or 22 gallons per calendar month or less; or
- (F) all coatings, adhesives, polyester resin and gel coat type materials and associated VOC containing solvents (excluding cleanup solvents) contain fifty (50) grams or less of VOC per liter of material and all cleanup solvents contain twenty five (25) grams or less of VOC per liter of material, and the total quantity of VOC emissions do not exceed one ton per calendar year, and provided that:
  - (i) a filing pursuant to Rule 222 is submitted to the Executive Officer; or
  - (ii) within 60 days after start-up for new, relocated, or modified facilities, or by March 1, 2018 for facilities existing as of May 5, 2017, a low-VOC verification is submitted to the Executive Officer, in a format approved by the Executive Officer, to demonstrate compliance with material and cleanup solvent VOC concentration limits and the annual VOC emission limit.

If combination of the coatings, adhesives and polyester resin and gel coat type materials identified in (B), (C), (D) and/or (E) are used in any equipment, this exemption is only applicable if the operations meet the criteria specified in (A) or (F), or the total usage of coatings, adhesives, polyester resin and gel coat type materials and associated VOC containing solvents (including cleanup) meets the most stringent applicable limit in (B), (C), (D) or (E). For exemptions based on usage, solvent-based UV and waterborne UV materials are subject to the usage limits in (C) and (D), respectively. VOC emissions shall be determined using test methods approved by the District, CARB and U.S. EPA. In the absence of approved test methods, the applicant can submit VOC calculation procedures acceptable to the District.

- (7) Spray coating and associated drying equipment and control enclosures used exclusively for educational purposes in educational institutions.
- (8) Control enclosures with an internal volume of 27 cubic feet or less, provided that aerosol cans, air brushes, or hand applications are used exclusively.
- (9) Portable coating equipment and pavement stripers used exclusively for the application of architectural coatings, and associated internal combustion engines provided such equipment is exempt pursuant to subdivision (a) or paragraph (b)(1), and provided no supplemental heat is added during pavement striping operations.
- (10) Hand application of resins, adhesives, dyes, and coatings using devices such as brushes, daubers, rollers, and trowels.
- (11) Drying equipment such as flash-off ovens, drying ovens, or curing ovens associated with coating or adhesive application or laminating equipment provided the drying equipment is exempt pursuant to paragraph (b)(2), and provided that:
  - (A) the total quantity of VOC emissions from all coating and/or adhesive application, and laminating equipment that the drying equipment serves is three (3) pounds per day or less or 66 pounds per calendar month or less; or
  - (B) the total quantity of UV/EB/LED (non-solvent based and non-waterborne) coatings and adhesives, and associated VOC containing solvents (including clean-up) used in all coating and/or adhesive application, and laminating equipment that the drying equipment

serves is six (6) gallons per day or less or 132 gallons per calendar month or less; or

- (C) the total quantity of solvent based coatings and adhesives and associated VOC containing solvents (including clean-up) used in all coating and/or adhesive application, and laminating equipment that the drying equipment serves is one (1) gallon per day or less or 22 gallons per calendar month or less; or
- (D) the total quantity of water reducible or waterborne coating and adhesives and associated VOC containing solvents (including clean-up) used in all coating and/or adhesive application, and laminating equipment that the drying equipment serves is three (3) gallons per day or less or 66 gallons per calendar month or less; or
- (E) the total quantity of polyester resin and gel coat type materials and associated VOC containing solvents (including clean-up) used in all coating, adhesive application, and laminating equipment that the drying equipment serves is one (1) gallon per day or less or 22 gallons per calendar month or less; or
- (F) all coatings, adhesives, polyester resin and gel coat type materials and associated VOC containing solvents (excluding cleanup solvents) contain fifty (50) grams or less of VOC per liter of material and all cleanup solvents contain twenty five (25) grams or less of VOC per liter of material, and the total quantity of VOC emissions do not exceed one ton per calendar year, and provided that either:
  - (i) a filing pursuant to Rule 222 is submitted to the Executive Officer; or
  - (ii) within 60 days after start-up for new, relocated, or modified facilities, or by March 1, 2018 for facilities existing as of May 5, 2017, a low-VOC verification is submitted to the Executive Officer, in a format approved by the Executive Officer, to demonstrate compliance with material and cleanup solvent VOC concentration limits and the annual VOC emission limit.

If combination of the coatings, adhesives and polyester resin and gel coat type materials identified in (B), (C), (D) and/or (E) are used in any equipment, this exemption is only applicable if the operations meet the

criteria specified in (A) or (F), or the total usage of coatings, adhesives, polyester resin and gel coat type materials and associated VOC containing solvents (including cleanup) meets the most stringent applicable limit in (B), (C), (D) or (E). For exemptions based on usage, solvent-based UV and waterborne UV materials are subject to the usage limits in (C) and (D), respectively. VOC emissions shall be determined using test methods approved by the District, CARB and US EPA. In the absence of approved test methods, the applicant can submit VOC calculation procedures acceptable to the District.

(m) Storage and Transfer Equipment

- (1) Equipment used exclusively for the storage and transfer of fresh, commercial or purer grades of:
  - (A) Sulfuric acid or phosphoric acid with an acid strength of 99 percent or less by weight.
  - (B) Nitric acid with an acid strength of 70 percent or less by weight.
  - (C) Water based solutions of salts or sodium hydroxide.
- (2) Equipment used exclusively for the storage and/or transfer of liquefied gases, not including:
  - (A) LPG greater than 10,000 pounds.
  - (B) Hydrogen fluoride greater than 100 pounds.
  - (C) Anhydrous ammonia greater than 500 pounds.
- (3) Equipment used exclusively for the transfer of less than 75,700 liters (20,000 gallons) per day of unheated VOC containing materials, with an initial boiling point of 150 °C (302 °F) or greater, or with an organic vapor pressure of 5 mm Hg (0.1 psi) absolute or less at 21.1 °C (70 °F).
- (4) Equipment used exclusively for the storage including dispensing of unheated VOC containing materials with an initial boiling point of 150 °C (302 °F) or greater, or with an organic vapor pressure of 5 mm Hg (0.1 psi) absolute or less at 21.1 °C (70 °F). This exemption does not include liquid fuel storage greater than 160,400 liters (40,000 gallons).
- (5) Equipment used exclusively for transferring VOC containing liquids, materials containing VOCs, or compressed gases into containers of less than 225 liters (60 gallons) capacity, except equipment used for transferring more than 4,000 liters (1,057 gallons) of materials per day with a vapor pressure greater than 25.8 mm Hg (0.5 psia) at operating conditions.

- (6) Equipment used exclusively for the storage and transfer of liquid soaps, liquid detergents, vegetable oils, fatty acids, fatty esters, fatty alcohols, waxes and wax emulsions.
- (7) Equipment used exclusively for the storage and transfer of refined lubricating or hydraulic oils and control equipment used to exclusively vent such equipment.
- (8) Equipment used exclusively for the storage and transfer of crankcase drainage oil and control equipment used to exclusively vent such equipment.
- (9) Equipment used exclusively for VOC containing liquid storage or transfer to and from such storage, of less than 950 liters (251 gallons) capacity or equipment used exclusively for the storage of odorants for natural gas, propane, or oil with a holding capacity of less than 950 liters (251 gallons) capacity and associated transfer and control equipment used exclusively for such equipment provided a filing pursuant to Rule 222 is submitted to the Executive Officer. This exemption does not include asphalt or a mobile fueler of any gasoline capacity. In addition, this exemption does not apply to a group of more than one VOC-containing liquid or odorant tank where a single product is stored, where the combined storage capacity of all tanks exceeds 950 liters (251 gallons), and where the tanks are mounted on a shared mobile platform and stored at a facility.
- (10) A retail mobile fueler with a cumulative storage capacity less than or equal to 10 gallons of gasoline, excluding one individual portable fuel container with a capacity up to 6.6 gallons of gasoline.
- (11) A non-retail mobile fueler with a cumulative storage capacity less than or equal to 120 gallons of gasoline, excluding one individual portable fuel container with a capacity up to 6.6 gallons of gasoline.
- (12) Until July 1, 2022, a mobile fueler with a cumulative storage capacity less than 251 gallons of gasoline. This exemption does not apply to a mobile fueler where the combined gasoline storage capacity of all mounted tanks exceeds 251 gallons.
- ~~(10)~~ (13) Equipment used exclusively for the storage and transfer of "top white" (i.e., Fancy) or cosmetic grade tallow or edible animal fats intended for human consumption and of sufficient quality to be certifiable for United States markets.

- (~~44~~14) Equipment, including tar pots (or tar kettles), used exclusively for the storage, holding, melting and transfer of asphalt or coal tar pitch with a maximum holding capacity of less than 600 liters (159 gallons); or equipment, including tar pots (or tar kettles), used exclusively for the storage, holding, melting and transfer of asphalt or coal tar pitch with a maximum holding capacity of no more than 3,785 liters (1,000 gallons), is equipped with burner(s) designed to fire exclusively on liquefied petroleum gases, and provided a filing pursuant to Rule 222 is submitted to the Executive Officer.
- (~~42~~15) Pumps used exclusively for pipeline transfer of liquids.
- (~~43~~16) Equipment used exclusively for the unheated underground storage of 23,000 liters (6,077 gallons) or less, and equipment used exclusively for the transfer to or from such storage of organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psi) absolute or less at actual storage conditions.
- (~~44~~17) Equipment used exclusively for the storage and/or transfer of an asphalt-water emulsion heated to 150 °F or less.
- (~~45~~18) Liquid fuel storage tanks piped exclusively to emergency internal combustion engine-generators, turbines or pump drivers.
- (~~46~~19) Bins used for temporary storage and transport of material with a capacity of 2,080 liters (550 gallons) or less.
- (~~47~~20) Equipment used for material storage where no venting occurs during filling or normal use.
- (~~48~~21) Equipment used exclusively for storage, blending, and/or transfer of water emulsion intermediates and products, including latex, with a VOC content of 5% by volume or less or a VOC composite partial pressure of 5 mm Hg (0.1 psi) or less at 20 °C (68 °F).
- (~~49~~22) Equipment used exclusively for storage and/or transfer of sodium hypochlorite solution.
- (~~20~~23) Equipment used exclusively for the storage of VOC containing materials which are stored at a temperature at least 130 °C (234 °F) below its initial boiling point, or have an organic vapor pressure of 5 mm Hg (0.1 psia) absolute or less at the actual storage temperature. To qualify for this exemption, the operator shall, if the stored material is heated, install and maintain a device to measure the temperature of the stored VOC containing

material. This exemption does not include liquid fuel storage greater than 160,400 liters (40,000 gallons), asphalt storage, or coal tar pitch storage.

- (~~24~~24) Stationary equipment used exclusively to store and/or transfer organic compounds that do not contain VOCs.
- (~~22~~25) Unheated equipment including associated control equipment used exclusively for the storage and transfer of fluorosilicic acid at a concentration of 30% or less by weight and a vapor pressure of 24 mm Hg or less at 77 °F (25 °C). The hydrofluoric acid concentration within the fluorosilicic acid solution shall not exceed 1% by weight.
- (~~23~~26) Equipment, including asphalt day tankers, used exclusively for the storage, holding, melting, and transfer of asphalt or coal tar pitch, that is mounted on a motor vehicle with a maximum holding capacity of less than 600 liters (159 gallons); or equipment, including asphalt day tankers, used exclusively for the storage, holding, melting, and transfer of asphalt or coal tar pitch, that is mounted on a motor vehicle, with a maximum holding capacity of no more than 18,925 liters (5,000 gallons), is equipped with burner(s) designed to fire exclusively on liquefied petroleum gases only, and provided a filing pursuant to Rule 222 is submitted to the Executive Officer.
- (~~24~~27) Tanks for aqueous urea solutions with a capacity of 6,500 gallons or less, provided a filing pursuant to Rule 222 is submitted to the Executive Officer. This exemption does not include tanks used for blending powdered urea and water.
- (~~25~~28) Replacement of a pole float used to control emissions from slotted guidepoles in floating roof storage tanks with a pole sleeve or a pole sleeve in combination with a flexible enclosure system. Paragraph (s)(1) does not apply to equipment utilizing this provision, but this does not excuse the duty to comply with any requirements of regulations listed in paragraph (s)(1) as those requirements may separately apply to the equipment.

(n) Natural Gas and Crude Oil Production Equipment

- (1) Well heads and well pumps, provided a filing pursuant to Rule 222 is submitted to the Executive Officer.
- (2) Crude oil and natural gas pipeline transfer pumps, provided a filing pursuant to Rule 222 is submitted to the Executive Officer for natural gas pipeline transfer pumps.

- (3) Gas, hydraulic, or pneumatic repressurizing equipment, provided a filing pursuant to Rule 222 is submitted to the Executive Officer for natural gas repressurizing equipment
- (4) Equipment used exclusively as water boilers, water or hydrocarbon heaters, and closed heat transfer systems (does not include steam generators used for oilfield steam injection) that have:
  - (A) a maximum heat input rate of 2,000,000 Btu per hour or less, and
  - (B) been equipped to be fired exclusively with purchased quality natural gas, liquefied petroleum gas, produced gas which contains less than 10 ppm hydrogen sulfide, or any combination thereof.
- (5) The following equipment used exclusively for primary recovery, and not associated with community lease units:
  - (A) Gas separators and boots.
  - (B) Initial receiving, gas dehydrating, storage, washing and shipping tanks with an individual capacity of 34,069 liters (9,000 gallons) or less.
  - (C) Crude oil tank truck loading facilities (does not include a loading rack), and gas recovery systems exclusively serving tanks exempted under subparagraph (n)(5)(B).
  - (D) Produced gas dehydrating equipment.
- (6) Gravity-type oil water separators with a total air/liquid interfacial area of less than 45 square feet and the oil specific gravity of 0.8251 or higher (40.0 API or lower).

The following definitions will apply to subdivision (n) above:

**PRIMARY RECOVERY** - Crude oil or natural gas production from "free-flow" wells or from well units where only water, produced gas or purchased quality gas is injected to repressurize the production zone.

**COMMUNITY LEASE UNITS** - Facilities used for multiple-well units (three or more wells), whether for a group of wells at one location or for separate wells on adjoining leases.

**SHIPPING TANKS** - Fixed roof tanks, which operate essentially as "run down" tanks for separated crude oil where the holding time is 72 hours or less.

WASH TANKS - Fixed roof tanks which are used for gravity separation of produced crude oil/water, including single tank units, and which are used concurrently for receipt, separation, storage and shipment.

(o) Cleaning

The exemptions in this subdivision do not include any equipment using solvents that are greater than 5 percent by weight of perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof, with either a capacity of more than 7.6 liters (2 gallons) or was designed as a solvent cleaning and drying machine regardless of size. In addition, the exemptions specified in this subdivision apply only if the equipment is also exempt pursuant to paragraph (b)(2) of this rule.

(1) Cleaning equipment and associated waste storage tanks used exclusively to store the solutions drained from this equipment:

(A) unheated batch, provided:

- (i) the volume of the solvent reservoir is one (1) gallon or less, or
- (ii) the VOC emissions from the equipment are not more than 3 pounds per day or 66 pounds per calendar month.

(B) devices used for cleaning of equipment used for the application of inks, adhesives, and coatings provided:

- (i) the volume of the solvent reservoir is five (5) gallons or less, or
- (ii) the VOC emissions from the equipment are not more than three (3) pounds per day or 66 pounds per calendar month.

(C) remote reservoir cleaners, provided the solvent from the sink-like area immediately drains into an enclosed solvent container while the parts are being cleaned.

(2) Vapor degreasers with an air/vapor interface surface area of 1.0 square foot or less, provided such degreasers have an organic solvent loss of 3 gallons per day or less excluding water or 66 gallons per calendar month or less excluding water.

(3) Cleaning equipment using materials with a VOC content of twenty-five (25) grams of VOC per liter of material, or less, and associated dryers exclusively serving these cleaners, provided such equipment is also exempt pursuant to paragraph (b)(2). This exemption does not include equipment

used for cleaning of diesel particulate filters (DPF) or associated control equipment used to vent such equipment.

- (4) Hand application of solvents for cleaning purposes including but not limited to the use of rags, daubers, swabs, and squeeze bottles as well as associated air pollution control equipment, unless air pollution control equipment is required for source specific rule compliance.

(p) **Miscellaneous Process Equipment**

- (1) Equipment, including dryers, used exclusively for dyeing, stripping, or bleaching of textiles where no VOC containing materials, including diluents or thinners are used, provided such equipment is also exempt pursuant to paragraph (b)(2) and control equipment exclusively venting the equipment.
- (2) Equipment used exclusively for bonding lining to brake shoes, where no VOC containing materials are used and control equipment exclusively venting such equipment.
- (3) Equipment used exclusively to liquefy or separate oxygen, nitrogen, or the rare gases from air, except equipment not exempt pursuant to paragraph (b)(1) or (b)(2).
- (4) Equipment used exclusively for surface preparation, including but not limited to paint stripping, pickling, desmutting, de-scaling, passivation, and/or deoxidation, and any water and associated rinse tanks and waste storage tanks exclusively to store the solutions drained from the equipment, that exclusively uses any one or combination of the materials in subparagraphs (p)(4)(A) through (p)(4)(H). This exemption does not include any tank that contains chromium, or contains nickel, lead or cadmium and is rectified, sparged or heated.
  - (A) organic materials containing 50 grams or less of VOCs per liter of material;
  - (B) formic acid, acetic acid, boric acid, citric acid, phosphoric acid, and sulfuric acids;
  - (C) hydrochloric acid in concentrations of 12 percent by weight or less;
  - (D) alkaline oxidizing agents;
  - (E) hydrogen peroxide;
  - (F) salt solutions, except for air-sparged, heated or rectified processes with salt solutions containing hexavalent chromium, chromates, dichromates, nickel, cadmium, or lead;

- (G) sodium hydroxide, provided the process is not sparged or rectified;  
or
- (H) nitric acid, hydrochloric acid, or hydrofluoric acid, provided that the equipment in which it is used has an open surface area of one square foot or less, is unheated, and produces no visible emissions.

This exemption does not include chemical milling or circuit board etching using ammonia-based etchants.

- (5) Equipment used exclusively for the plating, stripping, or anodizing of metals as described in subparagraphs (p)(5)(A) through (p)(5)(G). This exemption does not include any tank that contains chromium, or contains nickel, lead or cadmium and is rectified, sparged or heated.
  - (A) electrolytic plating of exclusively brass, bronze, copper, iron, tin, zinc, and precious metals;
  - (B) electroless nickel plating, provided that the process is not air-sparged and no electrolytic reverse plating occurs;
  - (C) the electrolytic stripping of brass, bronze, copper, iron, tin, zinc, and precious metals, provided no chromic, hydrochloric, nitric or sulfuric acid is used;
  - (D) the non-electrolytic stripping of metals, provided the stripping solution is not sparged and does not contain nitric acid.
  - (E) anodizing using exclusively sulfuric acid and/or boric acid with a total bath concentration of 20 percent acids or less by weight and using 10,000 amp-hours per day or less of electricity;
  - (F) anodizing using exclusively phosphoric acid with a bath concentration of 15 percent or less phosphoric acid by weight and using 20,000 amp-hours per day or less of electricity; or
  - (G) water and associated rinse tanks and waste storage tanks used exclusively to store the solutions drained from equipment used for the plating, stripping, or anodizing of metals.
- (6) Closed loop solvent recovery systems used for recovery of waste solvent generated on-site using refrigerated or liquid-cooled condenser, or air-cooled (where the solvent reservoir capacity is less than 10 gallons) condenser.

- (7) Equipment used exclusively for manufacturing soap or detergent bars, including mixing tanks, roll mills, plodders, cutters, wrappers, where no heating, drying or chemical reactions occur.
- (8) Inert gas generators, except equipment not exempt pursuant to paragraph (b)(2).
- (9) Hammermills used exclusively to process aluminum and/or tin cans, and control equipment exclusively venting such equipment.
- (10) Paper shredding and carpet and paper shearing, fabric brushing and sueding as well as associated conveying systems, baling equipment, and control equipment venting such equipment. This exemption does not include carpet and fabric recycling operations.
- (11) Chemical vapor type sterilization equipment where no Ethylene Oxide is used, and with a chamber volume of two (2) cubic feet or less used by healthcare facilities and control equipment exclusively venting the equipment. This exemption does not include equipment used for incineration.
- (12) Hot melt adhesive equipment.
- (13) Pyrotechnic equipment, special effects or fireworks paraphernalia equipment used for entertainment purposes, provided such equipment is exempt pursuant to subdivision (b).
- (14) Ammunition or explosive testing equipment.
- (15) Fire extinguishing equipment using halons.
- (16) Industrial wastewater treatment equipment which only does pH adjustment, precipitation, gravity separation and/or filtration of the wastewater, including equipment used for reducing hexavalent chromium and/or destroying cyanide compounds. This exemption does not include treatment processes where VOC and/or toxic materials are emitted, or where the inlet concentration of cyanide salts through the wastewater treatment process prior to pH adjustment exceeds 200 mg/liter.
- (17) Rental equipment operated by a lessee and which is not located more than twelve consecutive months at any one facility in the District provided that the owner of the equipment has a permit to operate issued by the District and that the lessee complies with the terms and conditions of the permit to operate.

- (18) Industrial wastewater evaporators treating water generated from on-site processes only, where no VOC and/or toxic materials are emitted and provided that the equipment is exempt pursuant to paragraph (b)(2).
  - (19) Foam application equipment using two-component polyurethane foam where no VOC containing blowing agent is used, excluding chlorofluorocarbons or methylene chloride, and control equipment exclusively venting this equipment.
  - (20) Toner refilling and associated control equipment.
  - (21) Evaporator used at dry cleaning facilities to dispose of separator wastewater and control equipment exclusively venting the equipment.
  - (22) Equipment used to recycle aerosol cans by puncturing the can in an enclosed system which is vented through an activated carbon filter. This exemption shall only apply to aerosol recycling systems where the aerosol can to be recycled was used as part of their operation at the facility or from facilities under common ownership.
  - (23) Notwithstanding the exemptions in subdivision (p), equipment existing as of May 5, 2017 that is subject to the aforementioned exemptions and that is an integral part of an operation requiring a written permit shall continue to be exempt, provided the equipment is identified, described in detail and submitted for inclusion into the permit equipment description with any associated application for Permit to Construct or Permit to Operate. Equipment described in this paragraph includes, but is not limited to, rinse tanks, dye tanks and seal tanks that are part of a metal finishing operation, including but not limited to plating, anodizing and surface preparation.
- (q) Agricultural Sources
- (1) Notwithstanding the exemption under this subdivision, any internal combustion engines, or gasoline transfer and dispensing equipment purchased or modified after July 7, 2006 that are not exempt pursuant to paragraphs (b)(1), (b)(6), and (m)(9) of this rule shall be subject to permit requirements. Emergency internal combustion engines are exempt from permit requirements for these agricultural sources.
  - (2) Except as provided in paragraph (q)(1), agricultural permit units at agricultural sources not subject to Title V with actual emissions less than the amounts listed in the following table:

**Table**

<b>Pollutant (Tons/Year)</b>	<b>South Coast Air Basin</b>	<b>Riverside County Portion of Salton Sea Air Basin</b>	<b>Riverside County Portion of Mojave Desert Air Basin</b>
VOC	5.0	12.5	50.0
NOx	5.0	12.5	50.0
SOx	35.0	35.0	50.0
CO	25.0	50.0	50.0
PM10	35.0	35.0	50.0
Single Hazardous Air Pollutant	5.0	5.0	5.0
Combination Hazardous Air Pollutants	12.5	12.5	12.5

Emissions of fugitive dust and emissions from soil amendments and fertilizers are not to be counted when evaluating emissions for purposes of this subdivision.

- (3) Orchard wind machines powered by an internal combustion engine with a manufacturer's rating greater than 50 brake horsepower provided the engine is operated no more than 30 hours per calendar year.
  - (4) Orchard heaters approved by the California Air Resources Board to produce no more than one gram per minute of unconsumed solid carbonaceous material.
- (f) Registered Equipment and Filing Program
- (1) Any portable equipment, including any turbines qualified as military tactical support equipment under Health and Safety Code Section 41754 registered in accordance with the Statewide Portable Equipment Registration Program (PERP) adopted pursuant to California Health and Safety Code Section 41750 et seq.
  - (2) PERP registered engines used in the Outer Continental Shelf (OCS), provided that:
    - (A) notification is submitted to the Executive Officer via submittal of a filing pursuant to Rule 222;
    - (B) the equipment shall not reside at one location for more than 12 consecutive months; and

- (C) notwithstanding the exemption applicability under Health and Safety Code §2451 of the Statewide Portable Equipment Registration Program (PERP) for engines operating in the OCS, all operators using this permit exemption shall comply with PERP and with California Air Resources Board-issued registration requirements.
- (3) PERP registered equipment operated at a RECLAIM Facility shall be classified as Major Source, Large Source or Process Units in accordance with Rule 2011 (c) and (d) for SOx emissions and Rule 2012 (c), (d) and (e) for NOx emissions for purposes of determining the applicable requirements for Monitoring, Reporting and Recordkeeping (MRR). Use of RECLAIM MRR Protocols for Rule 219 equipment as specified in Rule 2011 (Rule 2011 Protocol, Appendix A, Chapter 3, Subsection F) and Rule 2012 (Rule 2012 Protocol, Appendix A, Chapter 4, Subsection F) is only allowed if the registered PERP equipment also qualifies for an exemption from permit under a separate provision of this Rule.
- (4) Any equipment listed in Rule 222 – Filing Requirements for Specific Emission Sources Not Requiring a Written Permit Pursuant to Regulation II.
- (s) **Exceptions**  
Notwithstanding equipment identified in (a) through (r) of this rule, written permits are required pursuant to paragraphs (s)(1), (s)(2), and (s)(4), and filings are required under Rule 222 pursuant to paragraph (s)(3):
  - (1) Equipment, process materials or air contaminants subject to:
    - (A) Regulation IX – Standards of Performance for New Stationary Sources (NSPS); or
    - (B) Regulation X – National Emission Standards for Hazardous Air Pollutants (NESHAP - Part 61, Chapter I, Title 40 of the Code of Federal Regulations); or
    - (C) Emission limitation requirements of either the state Air Toxic Control Measure (ATCM) or NESHAP - Part 63, Title 40 of the Code of Federal Regulations; or
  - (2) Equipment when the Executive Officer has determined that:

- (A) the risk will be greater than identified in subparagraph (d)(1)(A), or paragraphs (d)(2) or (d)(3) in Rule 1401 – New Source Review of Toxic Air Contaminants; or,
- (B) the equipment may not operate in compliance with all applicable District Rules and Regulations, including but not limited to SCAQMD Rule 402 – Nuisance.

Once the Executive Officer makes such a determination and written notification is given to the equipment owner or operator, the equipment shall thereafter be subject to Rules 201 and 203 for non-RECLAIM sources, Rule 2006 for RECLAIM sources, and Regulation XXX – Title V Permits for major sources.

- (3) The following equipment, processes or operations that are located at a single facility, which does not hold a written permit for any other equipment, processes or operations, and emit four (4.0) tons or more of VOCs in any Fiscal Year (July 1 to June 30) beginning July 1, 2007 or emitted four (4.0) tons or more of VOCs in the Fiscal Year July 1, 2006 – June 30, 2007. The four (4.0) ton per Fiscal Year threshold shall be calculated cumulatively for all categories of equipment, processes or operations listed in subparagraphs (A) through (C) below. One filing shall be required for all of the categories of equipment, processes or operations subject to this provision as listed in subparagraphs (A) through (C) below. Associated VOC emissions shall be reported under the Annual Emissions Reporting program and fees shall be paid pursuant to Rule 301, subdivision (u).
  - (A) Printing operations individually exempted under paragraph (h)(1) and (h)(7).
  - (B) Coating or adhesive application or laminating equipment and devices individually exempted under paragraphs (l)(6) and (l)(10).
  - (C) Hand applications of VOC containing materials individually exempted under paragraph (o)(4).
- (4) Equipment or control equipment subject to permitting requirements pursuant to Regulation XIV - Toxics and Other Non-criteria Pollutants.

(t) Recordkeeping

Any person claiming exemptions under the provisions of this Rule shall provide adequate records pursuant to Rule 109 and any applicable Material Safety Data Sheets (MSDS), to verify and maintain any exemption. Any test method used to

verify the percentages, concentrations, vapor pressures, etc., shall be the approved test method as contained in the District's Test Method Manual or any method approved by the Executive Officer, CARB, and the EPA.

(u) Compliance Date

- (1) The owner/operator of equipment previously not requiring a permit pursuant to Rule 219 shall comply with Rule 203 – Permit to Operate within one year from the date the rule is amended to remove the exemption unless compliance is required before this time by written notification by the Executive Officer. Effective on or after July 11, 2003 for purpose of Rule 301(e), emissions from equipment that has been removed from an exemption shall be considered “permitted” beginning January 1 or July 1, whichever is sooner, after Rule 219 is amended to remove the exemption, even if an application has not been submitted to obtain a permit.
- (2) Agricultural sources constructed or operating prior to January 1, 2004 requiring Title V permits shall submit Title V permit applications on or before June 29, 2004.
- (3) Existing agricultural permit units constructed or operating prior to January 1, 2004 at agricultural sources requiring Title V permits and requiring written permits pursuant to paragraph (q)(1) shall submit applications for a Permit to Operate by December 17, 2004. For the purpose of Rule 301(e), emissions from agricultural permit units subject to this paragraph shall be considered “permitted” July 1, 2005.
- (4) Existing agricultural permit units constructed or operating prior to January 1, 2004 at agricultural sources not subject to Title V with actual emissions equal to or greater than the amounts listed in the table in subdivision (q) and requiring written permits pursuant to paragraph (q)(2) shall submit applications for a Permit to Operate by June 30, 2005. For the purpose of Rule 301(e), emissions from agricultural permit units subject to this paragraph shall be considered “permitted” July 1, 2005.
- (5) Agricultural permit units built, erected, altered, modified, installed or replaced after January 1, 2004, but prior to January 1, 2005 if written permits are required pursuant to subdivision (q), shall submit applications for a Permit to Operate by March 5, 2005. For the purpose of Rule 301(e), emissions from agricultural permit units subject to this paragraph shall be considered “permitted” July 1, 2005.

- (6) Agricultural permit units built, erected, altered, modified, installed or replaced on or after January 1, 2005, if written permits are required pursuant to subdivision (q) shall comply with Rule 201. For the purpose of Rule 301(e), emissions from agricultural permit units subject to this paragraph shall be considered “permitted” July 1, 2005.
- (7) Notwithstanding paragraph (u)(1), effective July 5, 2017, an owner/operator submitting an application for Permit to Construct or Permit to Operate pursuant to Rules 201 or 203 shall comply with paragraphs (e)(21) and (p)(23).

## ATTACHMENT G

# SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

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### Final Staff Report

### Proposed Rule 461.1 - Gasoline Transfer and Dispensing for Mobile Fueling Operations

### Proposed Amended Rule 461 – Gasoline Transfer and Dispensing

### Proposed Amended Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II

January 2022

#### Deputy Executive Officer

Planning, Rule Development and Area Sources  
Sarah Rees, Ph.D.

#### Assistant Deputy Executive Officer

Planning, Rule Development and Area Sources  
Susan Nakamura

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Author: Britney Gallivan – Air Quality Specialist  
Min Sue – Air Quality Specialist

Contributors: Jason Aspell – Deputy Executive Officer  
Ryan Banuelos – Air Quality Specialist  
Shah Dabirian – Program Supervisor  
Nathaniel Dickel – Air Quality Engineer II  
Paul Macias – Air Quality Inspector II  
Randy Matsuyama – Air Quality Engineer II  
Kevin Ni – Air Quality Specialist  
Barbara Radlein – Program Supervisor  
Rafael Reynosa – Sr. Enforcement Manager  
Han Tran – Supervising Air Quality Inspector  
Brian Vlasich – Air Quality Specialist  
Jillian Wong – Assistant Deputy Executive Officer

Reviewed by: Barbara Baird – Chief Deputy Counsel  
Neil Fujiwara – Program Supervisor  
Karin Manwaring – Senior Deputy District Counsel

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT  
GOVERNING BOARD**

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Mayor, Yorba Linda  
Cities of Orange County

JANICE RUTHERFORD  
Supervisor, Second District  
County of San Bernardino

**EXECUTIVE OFFICER:**

WAYNE NASTRI

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## **CHAPTER 1 – BACKGROUND**

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INTRODUCTION

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## INTRODUCTION

Rule 461 – Gasoline Transfer and Dispensing (Rule 461) applies to the transfer of gasoline from any tank truck trailer, or railroad tank car into a stationary storage tank or mobile fueler, and from any stationary storage tank or mobile fueler into any motor vehicle fuel tank. Rule 461 controls volatile organic compound (VOC) and toxic emissions during the filling of storage tanks and when dispensing gasoline from both stationary gasoline dispensing facilities and mobile fuelers. Over the past several years, an emerging business model for on-demand retail dispensing of gasoline using mobile fuelers has developed. Although Rule 461 includes provisions for mobile fuelers, the variation of retail mobile fuelers was not envisioned when these provisions were established over 20 years ago. This rulemaking seeks to prevent emissions from previously exempt equipment and ensures consistency for equipment used in mobile fueling operations.

Proposed Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations (PR 461.1) would continue to regulate mobile fueling operations in a separate rule and incorporate similar requirements from Rule 461 in order to address both retail and non-retail mobile fueling operations. PR 461.1 would establish requirements for retail mobile fueler and non-retail mobile fueler with a cumulative capacity greater than 10 gallons and 120 gallons, respectively, to ensure VOC and toxic emissions are well controlled. Amendments to Rule 461 are also needed to remove the provisions pertaining to mobile fuelers. Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II (Rule 219) will be amended to address previously exempt equipment to be consistent with PR 461.1 and PAR 461.

## EMISSIONS IN GASOLINE VAPORS

Gasoline is a source of volatile organic compounds (VOCs) and Toxic Air Contaminants (TAC). VOC emissions are a pre-cursor to the formation of ozone. The South Coast Air Basin has been designated as extreme non-attainment of federal ozone standards and is required to implement all feasible measures to reduce pollutants that contribute to ozone such as VOC emissions. Gasoline is very volatile with a high vapor pressure (meaning it has a tendency to escape into the vapor phase), making the control of gasoline vapors critical in the minimization of VOC and TAC fugitive emissions that can affect the public.

The primary ~~TAC~~~~toxic air contaminants~~ associated with gasoline vapors are benzene, ethyl benzene, and naphthalene which are carcinogens. In California, the Office of Environmental Health Hazard Assessment (OEHHA) is responsible for the scientific evaluation and determination of the health values for TACs that guide regulatory actions, including those of South Coast AQMD. Based on OEHHA's assessment health values, South Coast AQMD determined that benzene is the primary cancer risk driver for gasoline dispensing stations<sup>1</sup>. The table below summarizes the cancer ~~and non-cancer~~ acute health values for benzene, ethyl benzene, and naphthalene from OEHHA<sup>2</sup>.

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<sup>1</sup> South Coast AQMD. (2007, January). *Emission Inventory and Risk Assessment Guidelines for Gasoline Dispensing Stations*. South Coast Air Quality Management District. [https://www.aqmd.gov/docs/default-source/planning/risk-assessment/gas\\_station\\_hra.pdf?sfvrsn=0](https://www.aqmd.gov/docs/default-source/planning/risk-assessment/gas_station_hra.pdf?sfvrsn=0)

<sup>2</sup> OEHHA/CARB. (2020, October 2). *Consolidated Table of OEHHA/ARB Approved Risk Assessment Health Values*. California Air Resources Board. <https://ww2.arb.ca.gov/sites/default/files/classic/toxics/healthval/contable.pdf>

**Table 1–1  
Gasoline Health Risks for Toxic Air Contaminants – Cancer**

Chemical	Cancer Inhalation Unit Risk ( $\mu\text{g}/\text{m}^3$ ) <sup>-1</sup>
Benzene	0.000029
Ethylbenzene	0.0000025
Naphthalene	0.000034

## REGULATORY BACKGROUND

Gasoline transfer and dispensing operations are regulated by both California Air Resources Board (CARB) and South Coast Air Quality Management District (South Coast AQMD). CARB adopts procedures and performance standards for systems for the control of gasoline vapor emissions and then certifies the equipment in accordance with those procedures and performance standards. South Coast AQMD requires the use of CARB certified equipment to meet rule requirements. Gasoline transfer and dispensing operations in the South Coast AQMD’s jurisdiction are regulated through Rule 461. Rule 461 was originally adopted by the South Coast AQMD on January 9, 1976, and focuses primarily on stationary retail gasoline dispensing facilities through requirements for vapor recovery systems that are tested and certified by CARB.

### California Air Resources Board (CARB)

#### Portable Fuel Containers

Portable fuel containers, also known as gas cans, are used to fill a variety of equipment including lawnmowers, motor vehicles, and personal watercraft. As of July 1, 2007, all portable fuel containers with a capacity of 10 gallons or less sold in California must be certified by CARB<sup>3</sup> to meet the low-emission requirements. The process to be certified involves providing the portable fuel container to CARB so that it may be tested pursuant to Test Procedures TP-501 and TP-502 at an independent laboratory. The purpose of certifying is to ensure that spillage and evaporative emissions are minimized or eliminated through the implementation of low permeation plastics and automatic sealing nozzles.

#### CARB Certification Process for Gasoline Dispensing Equipment

State law requires CARB to adopt procedures and certify systems designed to control gasoline vapor emissions.<sup>4</sup> All California air districts rely on CARB certified equipment for gasoline transferring and dispensing. The vapor recovery certification process can take a few months up to several years. The process to get a vapor recovery certification by CARB<sup>5</sup> is comprised of two

<sup>3</sup> CARB. (n.d.-a). *Final Regulation Order for Portable Fuel Containers*. California Air Resources Board. Retrieved October 5, 2021, from <https://ww2.arb.ca.gov/sites/default/files/2021-02/pfcreg2016.pdf>

<sup>4</sup> California Health and Safety Code §41954. State of California. (2001, January 1). *HEALTH AND SAFETY CODE Section 41954*. California Legislative Information. [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=HSC&ionNum=41954](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC&ionNum=41954).

<sup>5</sup> CARB. (n.d.-b). *Vapor Recovery Certification Process – Gasoline Dispensing Facilities | California Air Resources Board*. California Air Resources Board. Retrieved October 6, 2021, from <https://ww2.arb.ca.gov/vapor-recovery-certification-process-gasoline-dispensing-facilities>

main elements: pre-application process and the CARB certification process which are outlined below.

- Pre-application process involves the applicant:
  1. Requesting a research and development site approval, referred to as an “R&D letter”
  2. Conducting research and development at approved site
  3. Prepare and submit initial application for certification
- CARB certification process:
  1. Determining the application is complete
  2. Creating a test plan and conducting the emissions tests
  3. Preparing and submitting Executive Order for review
  4. Having applicant submit approvals from other state agencies
  5. Issuing signed Executive Order

To date, CARB has certified three mobile fuelers:

- 1) On October 6, 1995, CARB issued Executive Order G-70-166 for the Certification of the Sacramento Municipal Utility District Mobile Motor Vehicle Fueler Phase II Vacuum Assist Vapor Recovery System.
- 2) On December 9, 1999, CARB issued Executive Order G-70-193 for Certification of the Hill-Vac Vapor Recovery System for Cargo Tank Motor Vehicle Fueling Systems (referred to herein as Model 1).
- 3) On February 19, 2021, CARB Executive Order VR-601 Related to the Certification of Mobile Dispensing System Non-Vapor Recovery Components for Booster Fuels, Inc. Mobile Fueling On-Demand Tank Vehicle Gasoline Dispensing System for ORVR Vehicles (referred to herein as Model 2).

The vapor recovery systems on these mobile fuelers are discussed further below. Staff research indicates that only two of the mobile fuelers certified by CARB have operated in the South Coast Air Basin: CARB Executive Order G-70-193 (Model 1) and CARB Executive Order VR-601 (Model 2).<sup>6</sup>

### **South Coast AQMD Permit to Operate – South Coast AQMD Rules 201, 203, and 219**

Gasoline storage equipment beyond a specified capacity or equipped with pollution controls requires permits with South Coast AQMD. South Coast AQMD has several rules that establish the requirements to have a permit.

#### **Rule 201 – Permit to Construct and Rule 203 – Permit to Operate**

Rule 201 – Permit to Construct requires authorization by the South Coast AQMD prior to the construction of equipment and Rule 203 – Permit to Operate requires a person to not use or operate equipment which may cause, reduce, or control the emission of air contaminants without a permit to operate and requires for the permitted equipment to operate pursuant to the conditions of the issued permit to operate. Rule 203 requires a Permit to Operate for the basic equipment and the air pollution control system that is being installed to control emissions. For gasoline dispensing,

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<sup>6</sup> Staff research indicates the mobile fueler certified pursuant to CARB Executive Order G-70-166 has not operated in South Coast Air Basin and is not available for purchase.

equipment to control vapors from gasoline transfer and dispensing such as Phase I and Phase II vapor recovery systems are required to have a permit pursuant to Rule 203.

### **Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II**

Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II specifies equipment or operations that are exempt from permitting requirements as they have limited or no emissions. Rule 219 (a) provides an exemption for equipment mounted on a motor vehicle, motor vehicle, or marine vessel but only if such equipment does not emit air contaminants. Equipment on mobile fuelers used to transfer or dispense gasoline emits air contaminants and is not exempt. For gasoline storage and transfer, Rule 219 also exempts equipment used exclusively for VOC containing liquid storage or transfer to and from such storage, of less than 251 gallons capacity. However, this exemption does not apply where the combined storage capacity of all tanks exceeds 251 gallons and the tanks are mounted on a shared mobile platform. Rule 219 (s)(2)(A) further states that permits are required when the maximum individual cancer risk, cancer burden, chronic hazard index, or acute hazard index will be greater than applicable risk thresholds identified in Rule 1401.

Any mobile fueler with a cumulative capacity equal to or greater than 251 gallons requires a permit as it is not exempt through Rule 219 (m)(9) and any mobile fueler with vapor control requires a permit as gasoline control equipment is also not exempt through Rule 219. If the mobile fueler dispenses into a motor vehicle and an individual tank is greater than 120 gallons, Rule 461 requires control equipment and the mobile fueler must be permitted. Mobile fuelers with a cumulative capacity of less than 251 gallons, or using tanks with a capacity of less than 120 gallons, and dispensing gasoline without controls are a regulatory gap this rule making seeks to address.

### **South Coast AQMD – Rule 461**

Rule 461 – Gasoline Transfer and Dispensing was adopted by South Coast AQMD on January 9, 1976, and regulates mobile and stationary gasoline dispensing facilities. Provisions for gasoline dispensing from mobile fuelers has been included in Rule 461 since 1995 and relied on the same approach as stationary gasoline dispensing which required the use of CARB certified Phase I and Phase II vapor recovery systems.

The most recent amendment in 2012 allowed for an alternative to compliance with requirements for installation of CARB certified Phase II enhanced vapor recovery (EVR) systems for fleets. The amendment allowed the owner or operator of a gasoline dispensing facility to dispense gasoline into their fleet motor vehicles provided they:

- Use existing CARB certified Phase II vapor recovery system with vapor return lines blocked off
- Only dispense into motor vehicles that are equipped with Onboard Refueling Vapor Recovery (ORVR) and are owned or under direct control by the operator
- Maintain additional recordkeeping

Rule 461 requires that stationary gasoline dispensing facilities and mobile fuelers use CARB certified equipment when transferring and dispensing gasoline. South Coast AQMD relies on the CARB certification process to certify equipment for transferring and dispensing gasoline. The Hill-Vac Vapor Recovery System is the only mobile fueling system in use in the District with both CARB certified Phase I and Phase II vapor recovery systems. Details of the Hill-Vac Vapor Recovery System are discussed later in Chapter 1 in Controls for Gasoline Transfer and Dispensing

Emissions. Instead of having performance tests for each individual component, Rule 461 requires the use of specific control technologies that have been certified by CARB to control gasoline vapors at a specific control efficiency for both mobile fuelers and stationary gasoline dispensing facilities. This CARB certified equipment falls under two categories for all gasoline transfer and dispensing. The two categories of CARB certified equipment for mobile fuelers are:

- Phase I Vapor Recovery Systems – during transfer of gasoline into the tank of the mobile fueller
- Phase II Vapor Recovery Systems – during dispensing of gasoline into the tank of the motor vehicle

Other requirements under Rule 461 include operational requirements to ensure that the equipment is operated in a manner that minimizes gasoline vapors. Regular maintenance, inspections, repairs, and testing ensure equipment is operating according to manufacturer specifications and CARB certifications. Required recordkeeping and reporting of the above activities ensures compliance with Rule 461.

### **LEGAL AUTHORITY TO REGULATE GASOLINE DISPENSING FOR MOBILE FUELERS**

Health and Safety Code Section 40000 provides that local and regional authorities have the primary responsibility for control of air pollution from all sources, other than emissions from motor vehicles.<sup>7</sup> PR 461.1 seeks to control emissions not from motor vehicles but rather from the transfer and dispensing of gasoline while a mobile fueller is stationary. Health and Safety Code Section 41954(a) provides that the state board (CARB) adopts procedures and performance standards for systems for the control of gasoline vapor emissions during gasoline marketing, including storage and transfer operations. Section 41954(g)(1) states that except as authorized by other law or this subdivision (g), no district may adopt or enforce stricter procedures or performance standards than those adopted by the state board. Section 41954(g)(3) goes on to provide that “any stricter procedures or performance standards shall not be implemented until at least two systems meeting the stricter performance standards have been certified by the state board.” CARB has certified three mobile fuelers, all equipped, ~~all~~ with a Phase I vapor recovery system. For the dispensing of gasoline, only two of the mobile fuelers CARB has certified are equipped with a Phase II vapor recovery system as discussed later in Chapter 1.<sup>8</sup> Rule 461 has required Phase II vapor recovery systems since 1995 for both stationary gasoline dispensing facilities and mobile fuelers that dispense gasoline. However, as neither mobile fuelers equipped with a Phase II vapor recovery system are available for purchase, PR 461.1 will not require that mobile fuelers must be certified with a Phase II vapor recovery system until 60 months after at least two mobile fuelers with Phase II vapor recovery systems have been certified by CARB and notification form the Executive Officer is issued.

BARCT requirements do not apply to gasoline vapor recovery rules. As discussed above, CARB establishes the performance standard for vapor recovery requirements for gasoline transfer and

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<sup>7</sup> All section references are to the California Health & Safety Code unless otherwise specified. ~~Section 41954(g)(1) states that except as authorized by other law or this subdivision (g), no district may adopt or enforce stricter procedures or performance standards than those adopted by the state board.~~

<sup>8</sup> CARB. (1999b, December 9). *Executive Order G-70-193 for Certification of the Hill-Vac Vapor Recovery System for Cargo Tank Motor Vehicle Fueling Systems*. California Air Resources Board. <https://arb.ca.gov/vapor/eos/eo-193/g70193all.pdf>

dispensing. As a result, a Best Available Retrofit Control Technology (BARCT) technology assessment has not been conducted for PR 461.1, nor is a BARCT limit established. Section 40406. In this case, Section 41954(g) significantly circumscribes the South Coast District's discretion in setting performance standards and limits it to systems that have been certified by CARB. The South Coast AQMD does not have the legal ability to conduct a BARCT analysis which would require compliance with Section 40920.6. Moreover, PR 461.1 is being adopted following the requirements of Section 41954, which is found in an entirely separate Part and Article of the Health and Safety Code (Part 4, Nonvehicular Air Pollution Control, Chapter [Chapter 3 "Emissions Limitations"] and Article 5, ["Gasoline Vapor Control"]) from the provisions relating to BARCT. This buttresses the conclusion that BARCT requirements do not apply to gasoline vapor recovery rules. But even if those provisions applied as a general rule, they do not apply to this case. This is because PR 461.1 was not setting a new performance standard or new BARCT. Instead the standard was set by CARB many years ago for vapor recovery systems and has been applicable to mobile fuelers in the South Coast AQMD since 1995 under existing Rule 461. PR 461.1 does not make a standard more stringent, but rather aligns with the existing standard required by Rule 461. If anything, the proposal is making the existing standard less stringent until 60 months after notification from the Executive Officer is issued indicating at least two mobile fuelers equipped with Phase II has been certified by CARB. Accordingly, BARCT cost-effectiveness requirements under Section 40920.6 do not apply. For the same reason, Section 40703, requiring a finding concerning the cost-effectiveness of a proposed control measure, does not apply.

### **GASOLINE DISPENSING PROCESS DESCRIPTION**

Bulk loading terminals store and load gasoline into either a truck with cargo tanks that deliver to gasoline dispensing facilities, or directly into the mobile fuelers. Stationary gasoline dispensing facilities either dispense gasoline into motor vehicles or into the cargo tanks of mobile fuelers.

#### **Bulk Loading Terminals**

Bulk loading terminals are subject to Rule 462 – Organic Liquid Loading and Rule 463 – Organic Liquid Storage requirements. Rule 462 requires that gasoline loading operations to a transport vessel's (bulk tanker's) tank(s) or compartment(s) of a tank (e.g. bulk tankers or mobile fuelers) to be equipped with a vapor recovery system certified by CARB. Large bulk loading terminals routinely transfer thousands of gallons of gasoline into transport bulk tankers that make deliveries to stationary gasoline dispensing facilities or other storage tanks. A mobile fueller equipped with CARB certified Phase I vapor recovery system can be loaded with gasoline at these bulk loading terminals. The mobile fuelers that are allowed to be loaded are equipped with a loading line and vapor return line. Other types of mobile fuelers would not be able to be loaded at the bulk loading terminal.

#### **Stationary Gasoline Transfer and Dispensing Facility**

When bulk tankers arrive at a stationary gasoline dispensing facility, the gasoline is unloaded from the bulk tanker into either an underground storage tank (UST) or an aboveground storage tank (AST). Gasoline is loaded into the tanks by using a CARB certified Phase I vapor recovery system that uses a separate loading line and vapor return line. The tanks can either be used to load into a mobile fueller, motor vehicle, or other equipment. Motor vehicles receive gasoline from dispensing pumps that are equipped with a CARB certified Phase II vapor recovery system.

Mobile fuelers that are unable to obtain gasoline at a bulk loading terminal, load gasoline into the mobile fueller from stationary gasoline facilities. Phase I vapor recovery systems are a critical

component of a mobile fueler to ensure vapors are captured during transfer of fuel into the cargo tank of the mobile fueler. A mobile fueler that is not equipped with loading and vapor return lines, will splash load gasoline into the mobile fueler cargo tank which creates additional vapors that are not captured through any pollution control and vented to the atmosphere.

### Mobile Fueler

Mobile fuelers are mobile gasoline dispensing units that can dispense gasoline at various locations as they are a motor vehicle equipped with a gasoline cargo tank. Gasoline is either loaded at the bulk terminal or at a stationary gasoline dispensing facility. Since mobile fuelers can move to various locations, mobile fueling operations present unique challenges that are different than stationary gasoline dispensing facilities, including knowing the location of dispensing activities and verifying compliance.

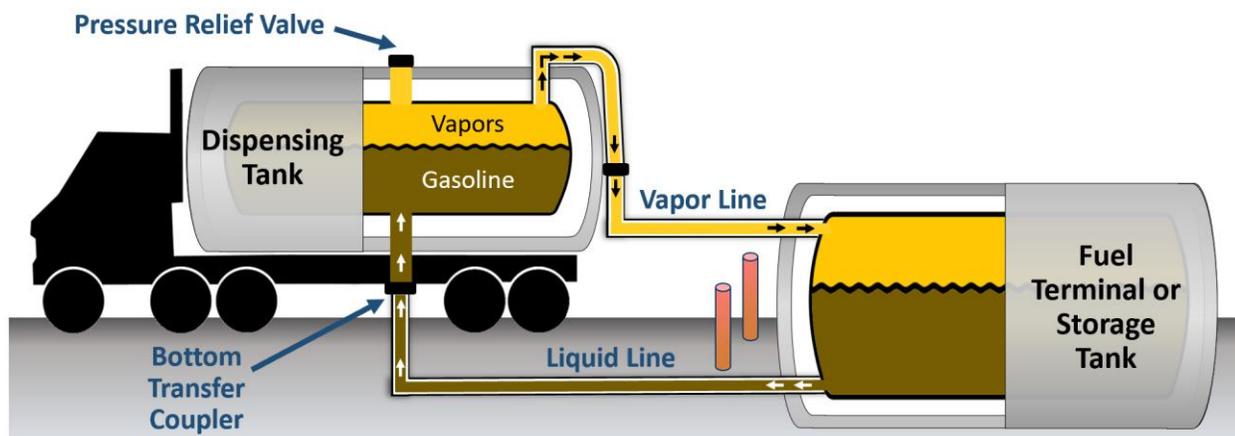
The discussion below focuses on the gasoline transfer and dispensing operations associated with control equipment on mobile fuelers and the equipment that mobile fuelers dispense gasoline into, typically a motor vehicle.

## CONTROLS FOR GASOLINE TRANSFER AND DISPENSING EMISSIONS

### CARB Certified Phase I Vapor Recovery System for a Mobile Fueler

Phase I vapor recovery is a system installed on a mobile fueler cargo tank for the collection and recovery of gasoline vapors displaced or emitted during the transfer of gasoline into and out of a mobile fueler cargo tank, except when dispensing. Figure 1-1 depicts the loading of gasoline into a mobile fueler equipped with a Phase I vapor recovery system. A mobile fueler with Phase I vapor recovery is loaded from the bottom of the tank (referred to as bottom loading) to reduce splashing of the fuel which can increase vapors. In general, cargo tanks on mobile fuelers are fueled either at a bulk loading terminal or from a stationary storage tank.

**Figure 1-1**  
**Mobile Fueler CARB Certified Phase I Vapor Recovery System**



Mobile fueler Phase I vapor recovery systems are certified through CARB's Vapor Recovery Certification Procedure CP-204 – Certification Procedure for Vapor Recovery Systems of Cargo

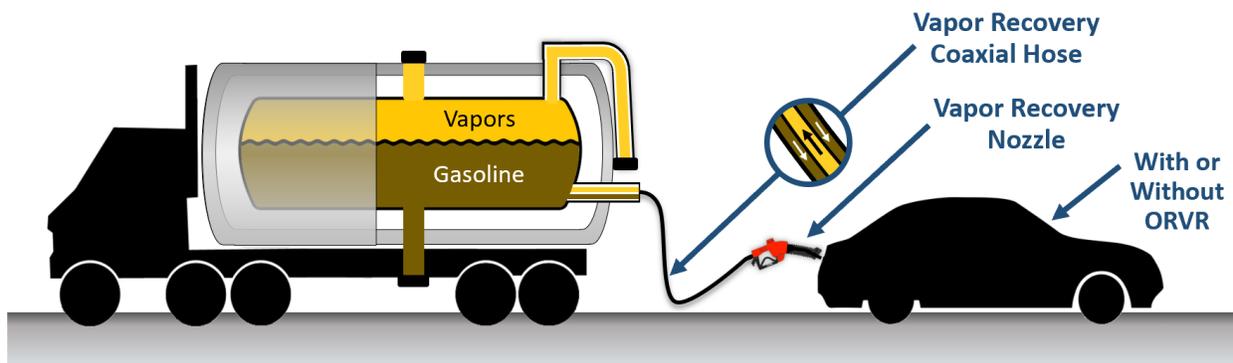
Tanks<sup>9</sup> (CP-204). The CARB vapor recovery test procedures and performance standards required by CP-204 are listed below:

- CARB Vapor Recovery Test Procedure TP-204.1 - Determination of Five Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks (TP-204.1)
- CARB Vapor Recovery Test Procedure TP 204.2 – Determination of One Minute Static Pressure Performance Vapor Recovery Systems of Cargo Tanks (TP-204.2)
- CARB Vapor Recovery Test Procedure TP-204.3 – Determination of Leak(s) (TP-204.3)

### **CARB Certified Phase II Vapor Recovery System for a Mobile Fueler**

A Phase II vapor recovery system is installed on a mobile fueler cargo tank for the collection and recovery of gasoline vapors displaced or emitted during the dispensing of gasoline from a mobile fueler cargo tank into a motor vehicle fuel tank. There are two types of Phase II vapor recovery dispensing equipment. A vacuum assist Phase II vapor recovery system dispenses gasoline through the exterior of the coaxial hose and utilizes a vacuum-producing device to create a vacuum to draw vapors back into the cargo tank through the interior of the coaxial hose. A balance Phase II vapor recovery system dispenses gasoline through the interior of the coaxial hose and utilizes the principle of vapor displacement to draw vapors back into the cargo tank through the exterior of the coaxial hose. Figure 1-2 depicts a mobile fueler which is equipped with a Phase II vapor recovery system with a vacuum assist coaxial hose dispensing gasoline into a motor vehicle fuel tank.

**Figure 1-2  
Mobile Fueler CARB Certified Phase II Vapor Recovery System**



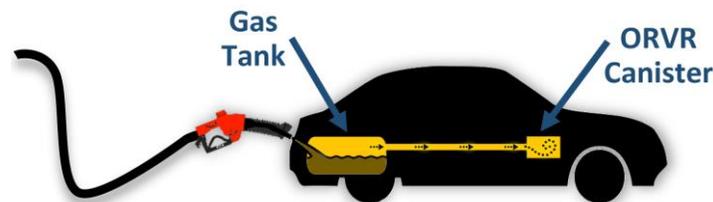
Mobile fueler Phase II vapor recovery systems are CARB certified through CARB's Vapor Recovery Certification Procedure CP-205 - Certification Procedure for Vapor Recovery Systems of Novel Facilities (CP-205). CP-205 requires the Phase II vapor recovery system efficiency be determined using CARB's Vapor Recovery Test Procedure TP-205.2 which is the Determination of Efficiency of Phase II Vapor Recovery Systems of Novel Facilities (TP-205.2) and it certifies vapor recovery systems to meet a minimum vapor recovery performance standard of ninety percent (90%) or ninety-five (95%) by weight.

<sup>9</sup> CARB. (2014b, November 7). *CP-204 – Certification Procedure for Vapor Recovery Systems of Cargo Tanks*. California Air Resources Board. Retrieved October 20, 2021, from [https://ww2.arb.ca.gov/sites/default/files/2020-02/CP-204\\_Amended\\_11.07.2014r.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-02/CP-204_Amended_11.07.2014r.pdf)

### Other Vapor Controls

ORVR is designed for on-road motor vehicles to control gasoline vapors during the filling of the motor vehicle's gas tank and is depicted in Figure 1-3. Key characteristics of ORVR are a narrower fill tube, valve to prevent vapors from returning to the fill tube, and a carbon canister, and is designed so that displaced gasoline vapors go into the carbon canister. ORVR systems were introduced for 1998 model year motor vehicles and are now required on all new cars and trucks. ORVR is mandated by Title 13 of the California Code of Regulations (CCR), Section 1978 and 40 Code of Federal Regulations (CFR) Part 86. The ORVR phase-in period for passenger vehicles, light duty truck, and medium duty vehicles (up to 8500 lbs. GVWR) was already scheduled to meet 100% of fleets by 2006. ORVR systems must meet the regulatory standard of 95% control efficiency<sup>10</sup>. While ORVR has been demonstrated to be effective in controlling emissions, there are still many older cars without ORVR being operated on public roads and highways.

**Figure 1-3  
Onboard Refueling Vapor Recovery**



### CARB Executive Orders for Mobile Fuelers

As noted above, the three mobile fuelers certified by CARB are:

- 4) CARB Executive Order G-70-166 for the Certification of the Sacramento Municipal Utility District Mobile Motor Vehicle Fueler Phase II Vacuum Assist Vapor Recovery System
- 5) CARB Executive Order G-70-193 for Certification of the Hill-Vac Vapor Recovery System for Cargo Tank Motor Vehicle Fueling Systems<sup>87</sup> (referred to herein as Model 1) and
- 6) CARB Executive Order VR-601 Related to the Certification of Mobile Dispensing System Non-Vapor Recovery Components for Booster Fuels, Inc. Mobile Fueling On-Demand Tank Vehicle Gasoline Dispensing System for ORVR Vehicles<sup>11</sup> (referred to herein as Model 2)

### CARB Certification of the Sacramento Municipal Utility District Mobile Motor Vehicle Fueler Phase II Vacuum Assist Vapor Recovery System

On October 6, 1995, CARB Executive Order G-70-166 for Certification of the Sacramento Municipal Utility District Mobile Motor Vehicle Fueler Phase II Vacuum Assist Vapor Recovery

<sup>10</sup> Environmental Protection Agency. (1994, April 6). *Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Refueling Emission Regulations for Light-Duty Vehicles and Light-Duty Trucks*. Federal Register. <https://www.govinfo.gov/content/pkg/FR-1994-04-06/html/94-4752.htm>

<sup>11</sup> CARB. (2021, February 19). *Executive Order VR-601-A Related to the Certification of Mobile Dispensing System Non-Vapor Recovery Components for Booster Fuels, Inc. Mobile Fueling On-Demand Tank Vehicle Gasoline Dispensing System for ORVR Vehicles*. California Air Resources Board. <https://arb.ca.gov/vapor/eos/eo-vr601/eo-vr601a.pdf>

System was issued. The mobile fueler was equipped with pre-EVR Phase I and Phase II vapor recovery systems that was certified pursuant to Draft Vapor Recovery Certification Procedure CP-205. The Phase II vapor recovery system also includes requirements designed to prevent absorption of sunlight by the cargo tank and temperature fluctuations that included cargo tank to be insulated with two inches of polyurethane, white in color, and maintained in good operating condition.

Additionally, the Phase II vapor recovery system was required to be equipped with cargo tank turbine pump with a built-in siphon that is connected to the vapor return line liquid pump, pressure gauges, and pressure/vacuum valve. CARB Executive Order G-70-166 applied to the Sacramento Municipal Utility District Mobile Motor Vehicle Fueler with License Plate Number E751905. Based on conversations with the manufacturer, this mobile fueler is no longer operated. This CARB Executive Order was specific to Sacramento Municipal Utility District and not commercially available.

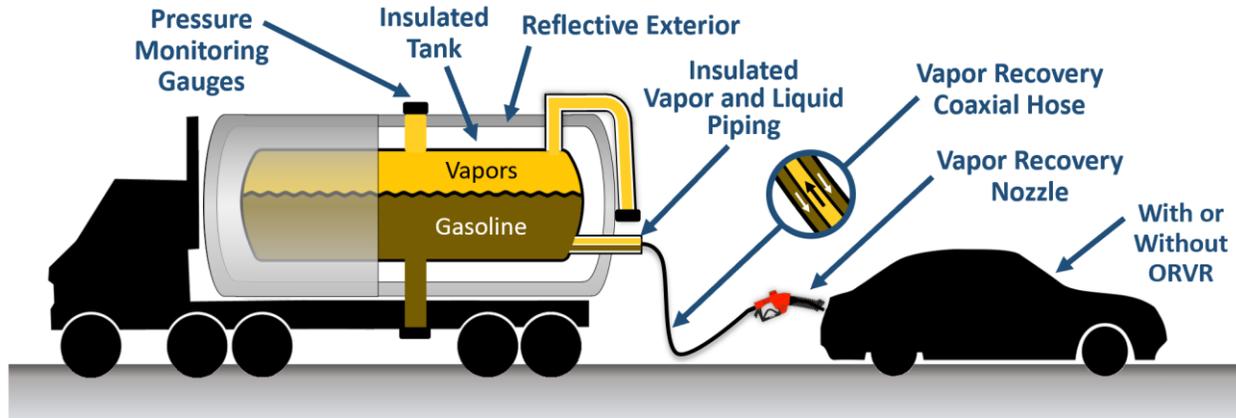
#### **CARB Certification of the Hill-Vac Vapor Recovery System for Cargo Tank Motor Vehicle Fueling Systems**

CARB Executive Order G-70-193 for Certification of the Hill-Vac Vapor Recovery System for Cargo Tank Motor Vehicle Fueling Systems was first issued on December 9, 1999. The mobile fueler is equipped with pre-EVR Phase I and Phase II vapor recovery systems that are CARB certified to be 95% effective. The Phase II vapor recovery system also includes requirements designed to prevent absorption of sunlight by the cargo tank and temperature fluctuations. The requirements resulted in lower diurnal pressure variations that ultimately leads to decreased emission venting. Some of these key requirements include:

- Tank exterior is wrapped in 1/16 inch 304 stainless steel to achieve a better reflectivity value and reduce solar energy transfer to the fuel
- Cargo tank is insulated with 3 inches of cellular polymer foam providing an insulating value of R-15-9
- Insulated with a minimum of 0.5 inch of seamless rigid polyurethane foam or pre-formed foam pipe insulation
- Equipped with removable covers that surround the jet pump to reduce solar energy transferred to the fuel during dispensing

Additionally, the Phase II vapor recovery system is required to be equipped with pressure gauges to monitor the vapor return line vacuum, gasoline supply, and cargo tank vapor space as well as to maintain these gauges within parameters. Figure 1-4 depicts this mobile fueler that is equipped with CARB certified Phase I and Phase II vapor recovery systems dispensing gasoline into a motor vehicle fuel tank.

**Figure 1-4**  
**Mobile Fueler Equipped with CARB Certified**  
**Phase I and Phase II Vapor Recovery Systems**



Since 2019, a crucial component of the CARB certified Phase II vapor recovery system has not been available. The Phase II vapor recovery system is certified for use with Healy Model 400 ORVR nozzles that are each equipped with two Healy Model 100 Jet Pumps that were manufactured by Franklin Fueling Systems. However, Franklin Fueling Systems discontinued manufacturing Healy Model 100 Jet Pumps. In response, Franzen-Hill, the owner of the certification, created the Hill-Vac Model 20 and Model 2020 Jet Pumps to function as a replacement for the Healy Model 100 Jet Pump. As of December 2021, Franzen-Hill is undergoing the recertification process with CARB to make available a mobile fueler equipped with CARB certified Phase I and Phase II vapor recovery systems with the replacement part. While Franzen-Hill has the Healy Model 100 Jet Pump in stock to service existing mobile fuelers, they are not producing new mobile fuelers with the Healy Model 100 Jet Pump. Therefore, until the recertification is complete, no new mobile fuelers equipped with a CARB certified Phase I and Phase II vapor recovery system are commercially available. There are 67 mobile fuelers subject to Rule 461 that are operating with South Coast AQMD permits to operate and all of these are Model 1 mobile fuelers.

**CARB Certification Related to the Certification of Mobile Dispensing System Non-Vapor Recovery Components for Booster Fuels, Inc. Mobile Fueling On-Demand Tank Vehicle Gasoline Dispensing System for ORVR Vehicles**

CARB Executive Order VR-601 Related to the Certification of Mobile Dispensing System Non-Vapor Recovery Components for Booster Fuels, Inc. Mobile Fueling On-Demand Tank Vehicle Gasoline Dispensing System for ORVR Vehicles was first issued on February 19, 2021. This mobile fueler is equipped with a pre-EVR Phase I vapor recovery system but is not equipped with a Phase II vapor recovery system. The key operational requirements of the Executive Order include:

- Comply with all applicable local air district rules and permitting requirements;
- Meet all local fire and life safety standards and permitting requirements of the local Fire Marshal and/or Certified Unified Program Agency (CUPA), where applicable;
- Dispense gasoline only to motor vehicles equipped with ORVR. This Executive Order pre-empts any District ORVR fleet exemption level established in District rules. Dispensing gasoline to non-ORVR vehicles, or any gasoline containers, is prohibited;
- Perform all loading of gasoline into MFOD tank vehicles at terminals with CARB certified vapor recovery systems. MFOD tank vehicles shall be filled from the bottom per CARB Executive Order G-70-10-A;

- Prohibit operators and employees from “splash loading” gasoline, or loading in a means other than bottom loading or filling without a submerged fill pipe, i.e., dispensing with a nozzle through an open compartment dome lid into MFOD tank vehicles, under all circumstances unless in the case of an emergency as determined by local, state, and/or federal fire and life safety standards;
- Annually test and certify all MFOD tank vehicles as required by CARB Certification Procedure for Vapor Recovery Systems of Cargo Tanks (CP-204), and affix a current CARB decal indicating compliance;
- Maintain records, in an electronic format approved by the Executive Officer, demonstrating that only ORVR vehicles are refueled by MFOD tank vehicles. Such records shall be provided to the district as directed by the district, and to CARB upon request; and
- Maintain copies of all required permits in each individual MFOD tank vehicle and make these available to all permitting agencies upon request.

Unlike Model 1, this certification does not include requirements designed to reduce the tank temperature and diurnal pressure variations that can lead to greater vapor losses. It also does not include any requirements for pressure gauge monitoring or specify requirements for tank insulation or color.

Although CARB Executive Order VR-601 for the mobile fueler is CARB certified through CP-205, the mobile fueler is not certified through TP-205.2, which is the test procedure CP-205 requires to determine the efficiency of a Phase II vapor recovery. The cover letter for CARB Executive Order VR-601 states that the “Booster Tank Vehicle does not meet CARB requirements for Phase II vapor recovery, and therefore does not control gasoline vapors when fueling non-ORVR vehicles or other fuel tanks.” CARB Executive Order VR-601 requires that the mobile fueler only fuel ORVR motor vehicles and prohibits dispensing gasoline into non-ORVR motor vehicles and other fuel tanks.

CARB certified Phase II vapor recovery and CARB certified non-vapor recovery components fueling ORVR equipped motor vehicles are not equivalent. Phase II vapor recovery systems provide additional reductions when fueling motor vehicles equipped with ORVR. CARB and South Coast AQMD agree that additional benefits are provided when both ORVR and Phase II are deployed but have not reached consensus on quantifying the added benefits.

### **RETAIL MOBILE FUELING**

Within South Coast AQMD’s jurisdiction, retail gasoline fueling of motor vehicles has nearly exclusively taken place at stationary gasoline dispensing facilities. In comparison, non-retail gasoline fueling of motor vehicles is where the owner of the gasoline dispensing equipment is the same as the owner of the motor vehicle fleet or equipment. Non-retail mobile fueling predominately takes place at non-retail stationary gasoline dispensing facilities, but also includes non-retail mobile fueling of stationary equipment such as emergency backup generators, off-road equipment such as construction equipment or amusement park attractions, fueling of fleet motor vehicles, and emergency fueling of motor vehicles owned by utility providers.

Although the retail gasoline mobile fueling of motor vehicles is allowed by Rule 461, until recent years, Rule 461 mobile fuelers have mostly been used for non-retail purposes. A non-retail mobile fueler typically provides support to a facility’s primary operation, such as providing gasoline to a

fleet or back-up engines. The amount of gasoline dispensed is limited because the non-retail mobile fueler is only providing gasoline to motor vehicles or equipment owned by the same company. This contrasts to retail mobile fuelers that sell gasoline to customers because retail mobile fueling is not limited to equipment or motor vehicles owned by the mobile fueling company. Staff has been aware of roadside assistance providers delivering gasoline in small portable fuel containers to stranded motor vehicles, but these operations appear to be de minimis and occur out of necessity.

As communication technologies developed, technology companies were able to fulfill consumer demands to immediate access to goods and services through on-demand services. Mobile fueling on-demand (MFOD) services allows fuel to be delivered directly to the consumer's location and dispensed into the motor vehicle when requested. Staff has observed the following regarding MFOD, indicating a developing industry:

- Deployment of on-demand fuel delivery smartphone apps;
- Mobile fueling services offered at local sports<sup>12</sup> and entertainment<sup>13</sup> venues; and
- Advertisements for MFOD services.

In 2018 Booster Fuels, Inc (Booster Fuels) approached the South Coast AQMD and applied for a research and development permit under Rule 441 – Research Operations for five (5) retail mobile fuelers. These Model 2 mobile fueling units were unable to be permitted under Rule 203 because they are not equipped with a CARB certified Phase II vapor recovery system as required by Rule 461. On February 19, 2021, Booster Fuels received final certification of their model with CARB Executive Order VR-601-A<sup>14</sup>. This certification does not include Phase II vapor recovery equipment and limits operation to only fueling into ORVR motor vehicles.

### **Compliance Challenges with Mobile Fueling**

Gasoline dispensing is a well regulated industry. Inspectors visit gasoline dispensing facilities to verify compliance with Rule 461 and permit conditions to ensure that the dispensing equipment is in good operating condition, operators are adhering to throughput limits in permit, and the recordkeeping, monitoring, and testing requirements are implemented pursuant to Rule 461. Mobile fueling presents unique challenges relative to stationary gasoline dispensing facilities because the fueling location is not fixed and there is no specific day and time that fueling is occurring at each location. Adding to the complexity of regulating mobile fueling is the need for verification that motor vehicles fueled must be equipped with ORVR for mobile fuelers that are dispensing with a CARB certified non-vapor recovery components. In the past, the South Coast AQMD staff has expended significant resources verifying ORVR status, determining the amount of fuel transferred into a mobile fueler is representative of the amount of the fuel dispensed, and surveilling to insure that mobile fuelers are not splash loading. As a result, PR 461.1 includes specific provisions that limit opening of the dome hatch, and additional monitoring, recordkeeping

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<sup>12</sup> Prisbell, E. (2020, March 5). *On-demand fuel delivery coming to Dodger Stadium this year*. The Business Journals. <https://www.bizjournals.com/losangeles/news/2020/03/05/on-demand-fuel-delivery-coming-to-dodger-stadium.html>

<sup>13</sup> Pankey, R. (2020, February 21). *AEG to Fill Up With Fuelster*. Los Angeles Business Journal. <https://labusinessjournal.com/news/2020/feb/21/Aeg-Fuelster-Gas-Delivery/>  
<https://labusinessjournal.com/news/2020/feb/21/aeg-fuelster-gas-delivery/>

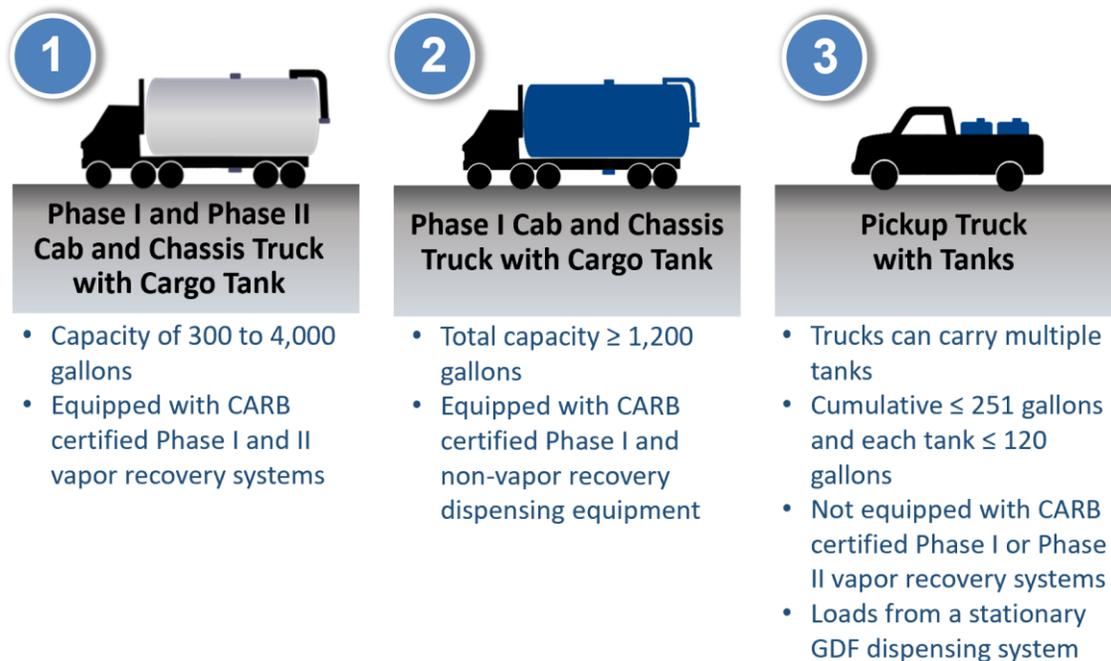
<sup>14</sup> CARB. (2021, February 19). *EXECUTIVE ORDER VR-601-A*. California Air Resources Board. <https://arb.ca.gov/vapor/eos/eo-vr601/eo-vr601a.pdf>

and reporting requirements beyond Rule 461 to address these compliance challenges unique to mobile fueling operations.

### CATEGORIES OF RETAIL MOBILE FUELERS

As part of the rule making process, staff distributed a survey of mobile fueling operations to collect information to accurately account for various types of operations, properly assess potential impacts, and to help inform the rulemaking efforts for mobile fueling operations. Based on the survey results, news articles, internet searches, and discussions with stakeholders, staff identified three categories of gasoline mobile fuelers. The models were characterized based on use of Phase I and Phase II vapor recovery systems, gasoline cargo tank capacity, and number of gasoline containers. Staff research indicates three models of mobile fuelers operate in the South Coast Basin, including pickup trucks with tanks (Model 3), which is the regulatory gap this rule seeks to address. Figure 1-5 illustrates these three models of mobile fuelers.

**Figure 1-5**  
**Mobile Fueller Model Categories**



Staff analyzed the current Rule 461 applicability and has illustrated in Table 1-2 which models are currently allowed, not allowed, or unregulated by Rule 461.

**Table 1-2  
Mobile Fueler Rule 461 Regulatory Applicability**

Mobile Fueling System	Cumulative Capacity (Gallons)	Allowed in Rule 461	
		Non-Retail	Retail
 1 Phase I and Phase II Cab and Chassis Truck with Cargo Tank	300 - 4,000	Allowed	Allowed
 2 Phase I Cab and Chassis Truck with Cargo Tank	≥ 1,200	Allowed	Not Allowed
 3 Pickup Truck with Tanks	< 251 <sup>1</sup>	Unregulated	Unregulated

<sup>1</sup> Each individual tank is ≤ 120 gallons

#### **Model 1 Mobile Fueler – Phase I and Phase II Vapor Recovery System**

Model 1 mobile fuelers are equipped with CARB certified Phase I and Phase II vapor recovery systems, this is the Hill-Vac Vapor Recovery System previously described. Rule 461 allows these models for the retail and non-retail dispensing of gasoline into motor vehicles. The permitted mobile fueler primarily consists of this model of mobile fueler. As discussed earlier, the Hill-Vac Vapor Recovery system is the only mobile fueler with CARB certified Phase I and Phase II vapor recovery systems, but this model is currently commercially unavailable for new purchases.

#### **Model 2 Mobile Fueler – Phase I Vapor Recover and No Phase II Vapor Recovery**

Model 2 mobile fuelers are equipped with CARB certified Phase I vapor recovery systems, but no Phase II vapor recovery. Rule 461 allows these models for non-retail dispensing of gasoline into ORVR equipped motor vehicles, but does not allow use for retail dispensing of gasoline. Staff is aware of two operators of this model, the first operates with a South Coast AQMD permit for non-retail purposes which is not equipped with CARB certified non-vapor recovery components for dispensing and does not dispense into motor vehicles. The second operator of this model operates with South Coast AQMD research and development permits for retail purposes. This Model 2 mobile fueler is equipped with CARB certified non-vapor recovery components for dispensing and only dispenses into motor vehicles equipped with ORVR. The research and development permitted equipment is equipped with non-vapor recovery components for dispensing and the CARB executive order restricts the mobile fueler from dispensing into anything other than ORVR equipped motor vehicle.

#### **Model 3 Mobile Fueler – No Phase I and No Phase II**

Model 3 mobile fuelers do not have CARB certified Phase I or Phase II vapor recovery systems. Rule 461 does not allow this model for the fueling motor vehicles if the cumulative gasoline storage capacity is greater than 251 gallons or if an individual tank is greater than 120 gallons. Model 3 mobile fuelers below these capacities are unregulated by the vapor recovery requirements

of Rule 461 and exempt from permitting. Staff is aware of both retail and non-retail use of this model operating with capacities that are unregulated by Rule 461 and exempt from permitting. Unregulated Model 3 mobile fuelers could be used to circumvent the permitting and vapor recovery costs of a Model 1 or Model 2 mobile fueler. PR 461.1 seeks to address this regulatory gap. Table 1-3 – Regulatory Gap for Mobile Fuelers outlines the regulatory gap for mobile fuelers Model 1, 2, and 3.

**Table 1-3  
Regulatory Gap for Mobile Fuelers**

Mobile Fueling System	Cumulative Capacity (Gallons)	Requires a South Coast AQMD Permit to Operate?	Regulatory Gap
 1 Phase I and Phase II Cab and Chassis Truck with Cargo Tank	300 - 4,000	Yes	None
 2 Phase I Cab and Chassis Truck with Cargo Tank	≥ 1,200	Yes	Permit required, but cannot be issued for retail fueling since it is not allowed under Rule 461
 3 Pickup Truck with Tanks	< 251 <sup>1</sup>	No	Not required to be permitted and Rule 461 does not currently apply to this equipment

<sup>1</sup> Each individual tank is ≤ 120 gallons

**International Fire Code Section 5707 – On-Demand Mobile Fueling Operations**

Introduced in 2016, International Fire Code (IFC) Section 5707 – On-Demand Mobile Fueling Operations model code was approved for inclusion with an effective date of July 1, 2018. At the state and local level, fire authorities may elect to adopt the model code to make it law and enforceable. The Office of the State Fire Marshal (Cal Fire or OSFM) incorporated the mobile fueling model codes into Chapter 57 Section 5707 – On-Demand Mobile Fueling Operations, but did not adopt the code. The Orange County Fire Authority did not adopt the model code, but does allow mobile fuelers to conduct fleet fueling (retail and non-retail). Based on conversations with the Los Angeles Fire Department, the model code has not been adopted and they have not issued any permits. Los Angeles Fire Department does not allow any on-demand retail fueling operations but does allow non-retail fleet fueling.

IFC On-Demand Mobile Fueling Operations Section 5707’s key components for mobile fueling include:

- Regulation describes on-demand mobile fueling as motor vehicles mounted with a tank >110 gallons and chassis-mounted tanks or containers where the aggregate cargo capacity < 1,200 gallons
- Applicable to on-demand mobile fueling operations that dispense gasoline and other combustible or flammable liquids into fuel tanks of motor vehicles
- Regulations provide requirements for technical and administrative safety controls
  - Mobile fueling operations require an approved permit from the fire officials
  - Specifies requirements for safety and emergency response plans, training records, site plans, equipment, and operations

- Prohibits mobile fueling on public streets, public ways, or inside buildings and fueling on the roof level of parking structures or other buildings

### **NEED FOR RULEMAKING**

Unlike stationary gasoline dispensing facilities which operate at a fixed address (site), these retail mobile fuelers operate at various locations. This is important because during the permitting process at the South Coast AQMD, the health risk from the facility (gas station) is evaluated to ensure that the facility emissions do not pose a health risk to sensitive receptors nearby. In addition, the retail mobile fuelers are not all equipped with vapor recovery systems that are required of stationary gas stations.

Retail mobile fuelers have higher emissions per gallon of gasoline dispensed compared to stationary gasoline dispensing facilities that comply with Rule 461. There are increased loading emissions for mobile fuelers that lack CARB certified Phase I vapor recovery systems and increased dispensing emissions for mobile fuelers that are not equipped with a CARB certified Phase II vapor recovery system. In addition, the storage of gasoline in above ground storage tanks are insulated and have a reflective exterior to reduce the tank temperature which will result in lower evaporative emissions than mobile fuelers that are not insulated and have a darker or non-reflective exterior.

Based on the regulatory gap for mobile fueling operations, rulemaking is needed to address these operations to ensure public health is protected by establishing operating requirements and permitting requirements to evaluate the retail mobile fueling operation. The approach to addressing this issue is to regulate mobile fueling operations in PR 461.1 while amending Rule 461 to limit its applicability to stationary gasoline transfer and dispensing facilities. Additionally Rule 219 are being amended to modify permitting requirements for previously exempt mobile fuelers.

### **AFFECTED INDUSTRIES/FACILITIES**

Based on the South Coast AQMD permit database and survey for PR 461.1, staff estimates that there are approximately 80 mobile fuelers operating at 38 facilities in the South Coast AQMD's jurisdiction that would be affected by PR 461.1, PAR 461, or PAR 219. The number of Model 3 mobile fuelers (the pickup truck with tanks) operating in the South Coast Basin is unknown but staff research indicates multiple companies have utilized this type of mobile fueler in recent years.

### **PUBLIC PROCESS**

Development of PR 461.1, PAR 461, and PAR 219 is being conducted through a public process. A PR 461.1, PAR 461, and PAR 219 Working Group was formed to provide the public and stakeholders an opportunity to discuss important details about the proposed rule and provide staff with input during the rule development process. The Working Group is composed of representatives from businesses, environmental groups, public agencies, and consultants. Staff has held nine Working Group Meetings conducted in a virtual format using Zoom due to COVID-19 restrictions. The meetings were held on September 2, 2020, December 16, 2020, March 18, 2021, June 2, 2021, June 24, 2021, August 4, 2021, September 22, 2021, November 9, 2021, and December 2, 2021. A Public Workshop was held on October 27, 2021 to present PR 461.1, PAR 461, PAR 222, and PAR 219 and receive public comment.

## **CHAPTER 2 - SUMMARY OF PROPOSED RULE 461.1**

OVERVIEW OF PR 461.1  
PROPOSED RULE 461.1

**OVERVIEW OF PR 461.1**

PR 461.1's objective is to reduce VOC and TAC emissions from mobile fueling operations due to the transfer and dispensing of gasoline. PR 461.1 accomplishes this by incorporating similar requirements found in Rule 461 – Gasoline Transfer and Dispensing specifically the use of CARB certified Phase I and Phase II vapor recovery systems for mobile fuelers, both retail and non-retail. Requirements currently in Rule 461 for mobile fuelers will be removed through PAR 461 resulting in the requirements to apply to only stationary gasoline transfer and dispensing facilities.

PR 461.1 would apply to mobile fueling operations and apply to the transfer of gasoline from any source into or out a mobile fueller as well as the dispensing of gasoline from the mobile fueller to any motor vehicle fuel, container, or equipment. Persons conducting testing, installations, maintenance, and sellers and manufacturers of CARB certified equipment for mobile fuelers would also be subject to PR 461.1.

As discussed in Chapter 1, as of December 2021 there are no CARB certified Phase I and Phase II vapor recovery systems commercially available to purchase for new mobile fuelers. Interim operating requirements are included in PR 461.1 to temporary allow mobile fuelers lacking CARB certified Phase II systems to operate until two CARB certified Phase I and Phase II vapor recovery systems become certified and notice is issued by the Executive Officer.

**Need for Proposed Rule 461.1**

As previously discussed, CARB certified Phase I and Phase II vapor recovery systems are the standard for gasoline transfer and dispensing operations for both stationary and mobile fueling operations for Rule 461. Rule 461 does not address small mobile fuelers that are either not permitted to operate and/or unregulated in the South Coast AQMD's jurisdiction. Previously these small mobile fuelers were operating in limited non-retail function, however, the concern is that retail mobile fuelers could be operating, similar to stationary gasoline dispensing facility, at locations that have not been evaluated for health risk to sensitive receptors unlike larger mobile fuelers that have a permit to operate. The emissions from retail gasoline mobile fueling operations need to be evaluated so as to not exceed health risk thresholds at dispensing locations. This will be accomplished using throughput limits and a risk assessment during the permit evaluation process to allow for higher throughputs.

While CARB has certified a mobile fueller with only Phase I vapor recovery system, that mobile fueller does not meet the requirements of Rule 461 since it not equipped with a certified Phase II vapor recovery system. PR 461.1 is needed to provide a pathway to allow the operation of mobile fuelers that are equipped with Phase I vapor recovery systems, until two mobile fuelers equipped with Phase II vapor recovery systems are certified by CARB and the Executive Officer has issued a notification.

PR 461.1 is needed to ensure that emissions of VOC and TACs found in gasoline vapors are controlled during mobile gasoline transfer and dispensing operations. PR 461.1 would address mobile fueling operations. Additional health protective measures based on nearest sensitive receptors would be incorporated during the permit evaluation process that will include a risk assessment based on a dispensing location.

**PROPOSED RULE 461.1****Purpose – Subdivision (a)**

The purpose of PR 461.1 is to reduce emissions of volatile organic compounds and toxic emission from mobile fueling operations. A mobile fueler is a mobile motor vehicle that has one or more cargo tanks on-board or tows one or more cargo tanks as defined in subdivision (c). Mobile fuelers may be either retail or non-retail.

**Applicability – Subdivision (b)**

This rule applies to the owner or operator of a mobile fueler that conducts retail or non-retail operations. The rule also applies to any person that conducts testing, installation, repairs, provides parts or maintenance on mobile fuelers with CARB certified equipment as well as any manufacturer of CARB certified equipment or associated components thereof. The applicability of this rule is not limited to the dispensing of gasoline into motor vehicles and may include portable fuel containers and other combustion equipment.

**Definitions – Subdivision (c)**

PR 461.1 includes definitions for specific terms used in other subdivisions. Many of the definitions are based on Rule 461 with slight modifications, while other definitions are specific to PR 461.1. For certain definitions, additional clarification is provided where the definition is used in specific subdivisions. Please refer to PR 461.1 subdivision (c) for definitions used in the proposed rule. Some key definitions are explained below or in the subdivisions where they occur.

- **CONTROL EQUIPMENT** means a Phase I Vapor Recovery System, a Phase II Vapor Recovery System, or a Non-Vapor Recovery Component for Dispensing.

References to control equipment in the rule are specific to Phase I vapor recovery systems, Phase II vapor recovery system, or non-vapor recovery equipment for dispensing on mobile fuelers. This equipment would need to receive final certification from CARB before it would satisfy vapor recovery requirements in PR 461.1.

- **CUMULATIVE CAPACITY** means the mobile fueler's combined capacity of the storage capacity of each cargo tank that is on a mobile fueler at a given time, excluding one individual portable fuel container with a capacity up to 6.6 gallons.

The requirements in PR 461.1 are based on the cumulative storage capacity of the mobile fuelers and the type of equipment that is dispensed, retail or non-retail. As discussed in Chapter 1, smaller mobile fuelers may have multiple cargo tanks that contain gasoline. By specifying the cumulative capacity accounts to all tanks, except a single portable fuel container, clarifies how to determine if the mobile fueler would be subject to the requirements of the rule. The exclusion of a single portable fuel container up to 6.6 gallons is for the dispensing of gasoline into a motor vehicle or equipment that cannot be reached by the mobile fueler's dispensing hose and nozzle, such as emergency backup generators or irrigation pumps. It also allows emergency roadside services to dispense enough gasoline into the motor vehicle of a stranded motorist in order to reach a nearby gas station. Portable fuel containers with a capacity up to 6.6 gallons was excluded to be consistent with the definition of portable fuel containers in ASTM F852-19 – Standard Specification for Portable Gasoline, Kerosene, and Diesel Containers for Consumer Use.

- **NON-RETAIL MOBILE FUELER** means a mobile fueler with a cumulative capacity greater than 120 gallons and the owner or operator of the mobile fueler is not compensated for the transfer or dispensing of gasoline.

Non-retail operators are mostly comprised of owner or operators that dispense gasoline from their mobile fueler into their own fleet of motor vehicles. These include government, public utility, and large corporations.

- **RETAIL MOBILE FUELER** means a mobile fueler with a cumulative capacity greater than 10 gallons and the owner or operator of the mobile fueler is compensated for the transfer or dispensing of gasoline.

Mobile fuelers that transfer or dispense gasoline to customers who compensate the owner or operator of the mobile fueler are classified as retail. This would include mobile fuelers that are compensated specifically for the gasoline, but also include business models that could be subscription based where gasoline is provided as part of a service package. The capacity threshold of 10 gallons was established for retail mobile fuelers to exclude emergency roadside service providers and discourage the use of unregulated smaller mobile fueler configuration for retail purposes. Additionally, as previously discussed in Chapter 1, portable fuel containers up to a 10-gallon capacity are regulated by CARB and would not need to be regulated individually under PR 461.1.

#### **Vapor Recovery Requirements for Mobile Fuelers – Subdivision (d)**

Subdivision (d) specifies the vapor recovery requirements for both transfer and dispensing for retail and non-retail mobile fuelers.

Paragraphs (d)(1) requires all transfers into and from a mobile fueler be controlled with a CARB Certified Phase I vapor recovery system. Unlike Rule 461, this would include motor vehicle and non-motor vehicles. CARB established CP-204 as the process to certify cargo tanks that are equipped with vapor recovery to demonstrate compliance with performance standards.

Paragraph (d)(2) prohibits mobile fuelers from fueling into motor vehicles unless the mobile fueler is equipped with a CARB certified Phase II vapor recovery system. Additionally, mobile fuelers are prohibited from dispensing into motor vehicles unless CARB has issued a single Executive Order certifying the Mobile Fueler with both CARB certified Phase I and Phase II vapor recovery systems, unless the mobile fueler is complying with paragraph (d)(3). As discussed in Chapter 1, CARB certifies systems and equipment, but has issued Executive Orders for an entire mobile fueler. This ensures that all vapor recovery equipped on the mobile fueler is evaluated and not individual systems or components, as individual components may not perform as intended. Additionally, CARB may add requirements to a mobile fueling Executive Order to ensure that the mobile fueler would achieve the performance standard. This can include insulation, pressure limitations, or operational restrictions proscribing the type of motor vehicle that can receive fuel from the mobile fueler. These additional requirements are unknown during the initial step of research and development site approval and are not typically included in the “R&D letter” issued by CARB. Issuance of a single Executive Order certifying the Mobile Fueler with both CARB certified Phase I and Phase II vapor recovery systems enables the District to rely on CARB’s expertise and ensures that a mobile fueler as an entire system meets CARB’s performance standards.

#### **Interim Provisions for Non-Vapor Recovery Component for Gasoline Dispensing**

Paragraph (d)(3) provides an alternative interim option for a mobile fueler that is equipped with a CARB certified Phase I vapor recovery system and a CARB certified non-vapor recovery component for dispensing, provided CARB issued an Executive Order certifying the mobile fueler.

The Executive Order would identify the control equipment for both transferring and dispensing. As discussed in Chapter 1, Model 1 represents the one CARB certified Phase I and Phase II vapor recovery system for mobile fuelers. Model 1 operates in the District, but is not currently available for new purchases and is undergoing a re-certification process. As a result, there is no mobile fuelers with CARB certified Phase I and Phase II vapor recovery system that are commercially available to purchase, but there are currently permitted mobile fuelers equipped with CARB certified Phase I and Phase II vapor recovery system that continue to be operational. As of December 2021, the only other mobile fueler with a CARB certification for dispensing is the Model 2 mobile fueler identified in CARB Executive Order VR-601 that is equipped with CARB certified Phase I vapor recovery and non-vapor recovery components for dispensing that is specific to Booster Fuels. CARB Executive Order VR-601 stipulates a series of conditions of the certification which includes provisions that have been incorporated into PR 461.1 including the prohibition of splash loading and limitation of dispensing gasoline only into ORVR motor vehicles.

Paragraph (d)(3) provides an interim allowance for retail mobile fuelers and non-retail mobile fuelers operating with CARB certified Phase I vapor recovery systems and non-vapor recovery components for dispensing to operate without CARB certified Phase II vapor recovery systems, until after 60 months the Executive Officer has issued a notification that two mobile fuelers equipped with Phase I and Phase II vapor recovery systems have been certified by CARB. As discussed in Chapter 1, there were two mobile fuelers equipped with Phase I and Phase II vapor recovery systems that have been certified by CARB. Therefore, Health and Safety Code Section 41954 (g)(3) which provides that “Any stricter procedures or performance standards shall not be implemented until at least two systems meeting the stricter performance standards have been certified by the state board,” has been satisfied and South Coast AQMD has the authority to require Phase I and Phase II vapor recovery system for mobile fuelers. As described above, one system is subject to recertification and the other system is not available for purchase. Accordingly, due to the lack of commercial availability of both certified mobile fuelers, PR 461.1 temporarily allows the use of mobile fuelers equipped with non-vapor recovery component for dispensing for 60 months following issuance of a notification by the Executive Officer as required in paragraph (d)(4).

The owner or operator of a retail mobile fueler or non-retail mobile fueler operating under the interim operating requirements of paragraph (d)(4) is required to:

- Use a mobile fueler equipped with CARB certified Phase I vapor recovery system and non-vapor recovery component for dispensing;
- Dispense gasoline only into ORVR equipped motor vehicles;
- Maintain additional recordkeeping for dispensing operations; and
- Report monthly the additional recordkeeping for dispensing operations to the Executive Officer

Pursuant to paragraph (d)(4), upon issuance of notification by South Coast AQMD’s Executive Officer that CARB has certified at least two mobile fuelers equipped with Phase II vapor recovery system, the owner or operator of the mobile fueler equipped with a CARB certified Phase I vapor recovery system and non-vapor recovery components for dispensing would be required to cease operating the CARB certified mobile fueler equipped with a Phase I vapor recovery system and non-vapor recovery component after 60 months. The 60 months following issuance of notification

provides sufficient time for the owner or operator to purchase a replacement CARB certified mobile fueler equipped with Phase I and Phase II vapor recovery systems, submit applications for the new mobile fueler, and receive delivery of the new mobile fueler. For the purpose of California Health and Safety Code § 41954 (g)(3), CARB Executive Orders G-70-166 (issued in 1995) and G-70-193 (issued in 1999) established the authority to require the existing Phase II vapor recovery system performance standard. However, staff research indicates that the mobile fueler with CARB Executive Order G-70-166 is not currently in use and has never operated in the South Coast AQMD's jurisdiction. Therefore, staff is excluding this CARB certified mobile fueler from the total count of CARB certified mobile fuelers only for the purposes of (d)(4).

#### **Mobile Fueling Cargo Tank Requirements – Subdivision (e)**

Paragraph (e)(1) limits the maximum cumulative capacity to 5,000 gallons for cargo tank(s) on a retail mobile fueler or non-retail mobile fueler that dispense gasoline into motor vehicles, the same limit specified in Rule 461. Mobile fuelers that would not operate on a public highway would not be subject to this restriction. This would include mobile fuelers that operate at an airport or recreational racetrack, provided these mobile fuelers were dedicated to those locations only.

Paragraph (e)(2) requires that each retail mobile fueler is equipped with a non-resettable totalizer that accurately registers the quantity of gasoline dispensed, except gasoline dispensed from a single portable fuel container up to 6.6 gallons. A non-resettable totalizer is an element interfaced with the measuring or weighing element that indicates the cumulative registration of the measured quantity with no means to return to zero.<sup>15</sup>

Paragraph (e)(3) prohibits more than one portable fuel container to be on-board a retail mobile fueler or a non-retail mobile fueler.

#### **Operational Requirements – Subdivision (f)**

PR 461.1 requires owners and operators to equip and operate their mobile fuelers specified in subdivision (f) depending on the type of mobile fueler specified in each paragraph of this subdivision.

Paragraph (f)(1) requires the owner or operator to store gasoline containers in a manner that minimizes release of gasoline vapors by keeping containers closed when not in use and proper operations during gasoline transfer and dispensing activities to avoid spillage.

Paragraph (f)(2) prohibits the use of dispensing hose greater than 75 feet in length. The greater the hose length, the greater potential for gasoline vapors created due to the evaporation of gasoline from the hose surface due to hose permeation of the gasoline through the wall of the hose. Gasoline remains inside the hose even between dispensing operations, trapped between the cargo tank and the closed valve at the dispensing nozzle.

Paragraph (f)(3) requires that only the owner or operators may dispense the gasoline from the mobile fueler. Operation by employees trained in the use of the CARB certified dispensing equipment is needed to ensure that required recordkeeping will be accurate and complete.

Paragraph (f)(4) requires the owner or operator comply with Out of Order Protocol specified in Appendix A for major defects found by the South Coast AQMD staff.

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<sup>15</sup> [https://www.cdffa.ca.gov/dms/programs/Publications/FRM/2018/3-2018\\_FRM\\_Chapter%201\\_Part\\_3\\_3.30-3.40.pdf](https://www.cdffa.ca.gov/dms/programs/Publications/FRM/2018/3-2018_FRM_Chapter%201_Part_3_3.30-3.40.pdf)

Paragraph (f)(5) requires the operation and maintenance of CARB certified equipment in accordance with the manufacturers' specifications and CARB Executive Order and associated Installation, Operation, and Maintenance Manuals. Additional requirements focus on keeping the equipment liquid and vapor tight at the seals, valve, caps, hatch, and couplings.

**Mobile Fueling Location Requirements – Subdivision (g)**

Subdivision (g) specifies the requirements for the owner or operator of the retail and non-retail mobile fuelers when operating at a dispensing location and other locations.

Paragraph (g)(1) requires the owner or operator of a retail mobile fueler submit the documentation required in paragraph (m)(1) prior to any transfer or dispensing operation for the dispensing location.

Paragraph (g)(2) prohibits the transfer or dispensing of gasoline at the dispensing location to no more than one retail mobile fueling company during a single calendar month.

If a dispensing location desires to change mobile fueling companies, the new retail mobile fueler must submit documentation pursuant to paragraph (m)(1).

For example, if a mobile fueling company is operating at a specific location and will no longer be operating at that location mid-month, a second mobile fueling company could not start operating at that same location until the beginning of the following month. This provision is to ensure that multiple mobile fuelers are not operating at a single location where the combined monthly through could create a significant health risk.

Paragraph (g)(3) prohibits the operation of either a retail mobile fueler or non-retail mobile fueler that is dispensing fuel at a dispensing location that is that is located 1,000 feet or less from a school from dispensing gasoline during the hours between 7:30 a.m. and 4:30 p.m. on days when the school is in session. The distance between the school and dispensing location is measured from the property line of the dispensing location is measured from the property line of the dispensing location that is closest to the school to the property line of the school that is closest to the dispensing location. As previously discussed, gasoline emissions include benzene emissions which is a carcinogen. Paragraph (g)(3) provides additional protections for school children to minimize potential exposure to benzene emissions. Restricting operations during school hours is consistent with the requirements of Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines and Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants.

Paragraph (g)(4) requires the owner or operator of a retail mobile fueler to have approval by the responsible fire department or other designated fire authority to operate at a dispensing location or written statement that approval is not required before any transfer or dispensing of gasoline is conducted. The approval letter or written statement from the fire department or fire authority must identify the dispensing location where the owner or operator of the mobile fueler may operate. The document may specify a larger geographical area than the dispensing location, however the owner or operator of the mobile fueler would still be limited to the dispensing location listed in the permit to operate.

Paragraph (g)(5) prohibits the owner or operator of a retail or non-retail mobile fueler to conduct mobile fueling operations, both transfer and dispensing, on public streets. Based on discussions with various fire authorities, fueling on a public street is also prohibited under the IFC Section

5707<sup>16</sup>. Non-retail and retail mobile fuelers may fuel on public streets provided they are dispensing into a motor vehicle or equipment that is responding to an emergency or to maintain public infrastructure. Records of dispensing on a public street shall be maintained pursuant to (k)(9) and reported pursuant to (m)(2). PR 461.1 defines emergency as any sudden, unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate the loss of, or damage to, life, health, property, or essential public services caused by either air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake. An event that would persist for an extended period or did not require immediate action would not be considered an emergency.

Paragraph (g)(6) requires the owner or operator of a retail mobile fueler to only transfer or dispense gasoline into a container, equipment, or motor vehicle that is located at the same dispensing location as the mobile fueler. Mobile fuelers with a certified non-vapor recovery component are limited to dispensing only into motor vehicles equipped with ORVR. A retail mobile fueler would be prohibited from having any part of the mobile fueler located at one dispensing location and dispensing or transferring gasoline into a container, equipment, or motor vehicle located at a different dispensing location or on a public street.

#### **Labeling Requirements for Mobile Fuelers – Subdivision (h)**

Subdivision (h) requires a retail mobile fueler and non-retail mobile fueler to post and maintain signs on both sides of the mobile fueler where the public can report potential air related issues regarding the operation of the mobile fueler to 1-800-CUT SMOG. The signs should be unobstructed and clearly visible to the public.

#### **Installation, Maintenance, and Repair Requirements – Subdivision (i)**

Subdivision (i) specifies the installation, maintenance, and repair requirements for CARB certified Phase I and II vapor recovery systems as well as CARB certified non-vapor recovery component for dispensing. The requirements incorporate existing requirements for installation, maintenance, and repair requirements from Rule 461. The requirements ensure proper installation, maintenance, and repair by qualified and trained persons.

#### **Self-Compliance Program Requirements – Subdivision (j)**

Subdivision (j) specifies the self-compliance program requirements for the owner or operator of a retail mobile fueler or a non-retail mobile fueler. The requirements incorporate existing requirements for self-compliance program from Rule 461 that applied to retail gasoline transfer and dispensing facilities. The daily maintenance inspection and periodic compliance inspection are specified in Attachment B – Daily Maintenance Inspection Protocol and Attachment C – Periodic Compliance Inspection Protocol. The protocols were modified for mobile fuelers from existing protocols in Rule 461. Additionally, a person who conducts a Performance or Reverification test is required by subdivision (l) to complete the South Coast AQMD’s Tester Orientation class, but the owner or operator of mobile fueler is not required to take a class.

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<sup>16</sup> International Code Council. (2020). 2021 International Fire Code (International Code Council Series) (1st ed.). ICC (distributed by Cengage Learning).

**Recordkeeping – Subdivision (k)**

Recordkeeping requirements for PR 461.1 are largely based on Rule 461 recordkeeping requirements, with the addition of recordkeeping requirements to verify compliance per dispensing location.

Paragraph (k)(1) requires that the owner or operator implement and document the Operation and Maintenance (O&M) manual for CARB certified control equipment.

Paragraph (k)(2) requires the owner or operator of a retail mobile fueler to maintain information for each dispensing location where the retail mobile fueler dispenses gasoline. This would also include documentation from the owner or operator of the dispensing location that the mobile fueling company would be the only mobile fueling company operating a retail mobile fueler at the dispensing location.

Paragraph (k)(3) requires the owner or operator of a retail mobile fueler or non-retail mobile fueler with a permit to operate specifying a throughput limit by dispensing location to maintain daily records by dispensing location. As of December 2021, the mobile fuelers with South Coast AQMD permits to operate have been used for non-retail purposes and have been issued with a throughput limit for each mobile fueler. The mobile fuelers with South Coast AQMD permits to operate that indicate a throughput limit for the mobile fueler and not per dispensing location would not be subject to this requirement. It is anticipated that mobile fueler permits would have throughput limits based on the location and would be subject to this requirement.

Paragraph (k)(4) requires the recording of each transfer of gasoline from and into a retail mobile fueler or a non-retail mobile fueler. The transfer records and dispensing records would allow the verification of gallons transferred into and out of the applicable mobile fueler.

Paragraph (k)(5) requires the owner or operator of a retail mobile fueler to maintain totalizer and inventory reconciliation records. During the rule development, staff became aware of a process to reset the amount of gasoline that was being stored in the cargo tanks of mobile fuelers. This occurred when loading the mobile fueler at a bulk loading facility due to the inventory not being accurately measured as mobile fueler was on an incline. If the mobile fueler is equipped with one individual portable fuel container with a capacity up to 6.6 gallons of gasoline, the owner or operator of the mobile fueler would not need to maintain totalizer records for the portable fuel container.

Paragraph (k)(6) requires the recording of the monthly dispensing throughput for each dispensing location for a retail mobile fueler or a non-retail mobile fueler with a dispensing location throughput limit.

Paragraph (k)(7) requires the recording of the monthly dispensing throughput for each mobile fueler for a non-retail mobile fueler without a monthly throughput limit. The monthly records for the non-retail mobile fueler would be used verify the monthly or annual throughput limit.

Paragraph (k)(8) requires monthly throughput records be maintained for a retail mobile fueler complying with semi-annual testing frequency. This is an additional recordkeeping requirement to the dispensing location throughput requirements.

Paragraph (k)(9) requires the owner or operator of a retail mobile fueler or a non-retail mobile fuelers that dispenses gasoline to maintain records of when gasoline was dispensed on a public street maintain. These records include the type of emergency or the type of public infrastructure being maintained, the contact information for the responsible person of the organization that

authorized the dispensing into the motor vehicle or equipment, and general gasoline dispensing information.

Paragraph (k)(11) requires any person who performs installation, inspection, repairs, or testing of a mobile fueler equipped with a CARB certified control equipment to maintain records needed for required reporting in subdivision (m) and provide them to the owner or operator by the end of the day.

Paragraph (k)(12) and (13) require that records be maintained for a minimum of two years unless the mobile fueler is permitted to operate at a Title V facility where it shall be maintained a minimum of five years. Records are required to be provided to the Executive Officer upon request.

### **Testing – Subdivision (l)**

Subdivision (l) specifies the performance and reverification test for CARB certified Phase I and Phase II vapor recovery systems. Periodic testing ensures that the vapor recovery system are performing as certified. The requirements for testing were incorporated from Rule 461 and modified to be specific for mobile fuelers.

### **Reporting – Subdivision (m)**

Paragraph (m)(1) requires that dispensing location information be electronically submitted in a format:

- No less than 48 hours prior to initially dispensing at the dispensing location where records required in (k)(2) have not been submitted for the dispensing location
- No less than 48 hours prior to dispensing at the dispensing location where a different mobile fueling company dispensed gasoline during a prior calendar month

This ensures that the Executive Officer is aware of any new dispensing location and if there is a change in mobile fueling company at a dispensing location.

Subdivision (m)(2) requires that the owner or operator of a retail mobile fueler or a non-retail mobile fuelers that dispenses gasoline on a public street into a motor vehicle or equipment that was responding to an emergency or maintaining public infrastructure electronically submit the information maintained pursuant to paragraph (k)(9) no later than 48 hours after the conclusion of the dispensing.

Subdivision (m)(3) is incorporated from existing requirements in Rule 461 and requires the owner or operator of a retail or non-retail mobile fueler to provide the monthly gasoline dispensing records required by paragraph (k)(6) through (k)(8) for the previous calendar year to the Executive Officer in an approved format on or before March 1.

Subdivision (m)(4) is incorporated from existing requirements in Rule 461 and requires a person who conducts performance or reverification tests to submit a copy of the PASS/FAIL test results, showing a summary of the overall results of each test, within 72 hours after each test is conducted to the Executive Officer in a South Coast AQMD approved electronic format.

Subdivision (m)(5) is incorporated from existing requirements in Rule 461 and requires a person who conducts performance or reverification tests to submit the final test report demonstrating compliance within 14 calendar days of the date when all tests were passed. These records would include all the required records of all tests performed, test data, current South Coast AQMD facility ID number of the Mobile Fueler being tested, the equipment permit to operate or application number, the South Coast AQMD ID number of the company performing the tests, a statement

whether the system or component tested meets the required standards, and the name, South Coast AQMD tester ID number and signature of the person responsible for conducting the tests.

**Exemptions – Subdivision (n)**

Subdivision (n) specifies the exemption from either specific provisions of the rule or the entire rule. There are exemptions that sunset after July 2022 to allow for the delayed implementation for mobile fuelers that were previously exempt under Rule 461 or for adjusting to the new requirements regarding dispensing location. The delayed requirements are synchronized with PAR 219 for permitting.

Paragraphs (n)(1) through (n)(2) are exemptions from Rule 461 for the transfer of gasoline for testing purposes and the fueling of The Tournament of Roses floats.

Paragraph (n)(3) and (n)(4) delays the implementation for requirements related to CARB certified Phase I vapor recovery systems or Phase II vapor recovery systems for mobile fuelers that were previously exempt based on the mobile fueler’s cumulative capacity or individual cargo tank capacity to allow time to comply with the new requirements.

Paragraph (n)(5) delays implementation for requirements for mobile fueling location requirements in subdivision (g) for the owner or operator of a Retail Mobile Fueler or Non-Retail Mobile Fueler.

## **CHAPTER 3 - SUMMARY OF PROPOSED AMENDED RULE 461**

INTRODUCTION

PROPOSED AMENDED RULE 461

## **INTRODUCTION**

Rule 461 – Gasoline Transfer and Dispensing was originally adopted by South Coast AQMD on January 9, 1976 and most recently amended on April 6, 2012. This rule requires the use of Phase I and Phase II vapor recovery systems to control volatile organic compound (VOC) and toxic emissions from both the loading of gasoline into storage tanks and the dispensing of gasoline into motor vehicle fuel tanks at both stationary and mobile gasoline transfer and gasoline dispensing facilities.

In 2012, provisions were adopted to exempt non-retail gasoline dispensing facilities fueling only fleet motor vehicles equipped with ORVR from upgrading their existing Phase II pre-EVR dispensing equipment to a Phase II enhanced vapor recovery (EVR) system by the April 1, 2012 deadline. This was allowed because non-retail facilities:

- Can verify if the motor vehicle they own is equipped with ORVR
- Dispense less gasoline than a retail gasoline dispensing facility
- Have direct control over the motor vehicles they fuel

Instead of upgrading to the Phase II EVR, non-retail facilities had the option to block off their CARB certified Phase II nozzle and fuel fleet motor vehicles equipped with ORVR.

### **Need for Proposed Amended Rule 461**

As previously discussed, CARB certified Phase I and II vapor recovery systems are effective in reducing emissions from gasoline transfer and dispensing operations. However, owner or operators of mobile fuelers subject to Rule 461 would also be subject to the requirements of PR 461.1. PR 461.1 builds on the requirements for mobile fuelers found in Rule 461. This would cause duplicate requirements for most mobile fuelers, except the previously unregulated models. In order to avoid duplicate requirements and to provide clarity between stationary and mobile gasoline operations, PAR 461 will remove definitions and provisions for mobile fuelers. In addition, the process for alternative compliance with Phase II requirements will be amended to allow existing facilities to continue using equipment from an older CARB Executive Order while new or modified facilities would be required to use equipment specified in the most recent CARB Executive Order.

### **Overview of Proposed Amended Rule 461**

Proposed Rule 461.1 (PR 461.1) – Gasoline Transfer and Dispensing for Mobile Fueling Operations will reduce emissions of VOC and Toxic Air Contaminant (TAC) emissions from mobile fueling operations. Proposed Amended Rule 461's (PAR 461) objective is to remove the specific requirements for mobile fuelers from Rule 461 as PR 461.1 will address mobile fuelers VOC and TAC emissions. In addition, PAR 461 allows the owner or operator of a stationary non-retail gasoline dispensing facility with modified dispensing equipment used in lieu of complying with Phase II requirements to continue using these modified components until the permit to operate is modified, at which time those modified components must be replaced with hose and nozzle components from the most recent CARB Executive Order.

## **PROPOSED AMENDED RULE 461**

### **Applicability – Subdivision (a)**

PAR 461 modifies the applicability by removing references to mobile fuelers.

### **Definitions – Subdivision (b)**

PAR 461 deletes the following terms as they are no longer needed or modifies the term as explained below. Please refer to PAR 461 for actual definitions.

- COAXIAL FILL TUBE (deleted)
- GASOLINE TRANSFER AND DISPENSING FACILITY (modified)
- INSTALLER/CONTRACTOR (modified)
- MOBILE FUELER (deleted)
- VAPOR RECOVERY SYSTEM (modified)

GASOLINE TRANSFER AND DISPENSING FACILITY has been modified to remove reference to a mobile system as PAR 461 will no longer apply to mobile fuelers.

INSTALLER/CONTRACTOR has been modified from “gasoline dispensing facility” to “gasoline transfer and dispensing facility” to be consistent with that defined term.

VAPOR RECOVERY SYSTEM has been modified to remove reference to mobile fuelers as well as remove references to components no longer used.

#### **Requirements – Subdivision (c)**

PAR 461 removes requirements and references to mobile fuelers as those requirements are moved to PR 461.1, removes requirements related to COAXIAL FILL TUBES as they are no longer used, and adds railroad tank car to be consistent with rule applicability.

PR 461 removes the earlier process in paragraph (c)(4) that allowed a facility to use modified components from a CARB certified “vapor recovery system” in lieu of complying with Phase II requirements of paragraph (c)(2). Rule 461 allowed this as there was not a CARB certified system at the time compatible with ORVR equipped cars.

Subparagraph (c)(4)(A) allows those facilities to continue use of those modified components. However, if the owner or operator modifies the permit to operate associated with the modified components, subparagraph (c)(4)(B) requires the owner or operator to replace the modified components with components from the most recent CARB certified Executive Order NVR-1 (as of December 2021 was NVR-1-F<sup>17</sup>).

An owner or operator applying for a new permit to construct would be required to use components from the most recent CARB certified Executive Order NVR-1. Stationary non-retail gasoline dispensing facilities, without Phase 2 equipment, would continue to be allowed to only dispense gasoline into ORVR equipped motor vehicles, except those used in responding to an emergency.

#### **Testing, Reporting and Recordkeeping Requirements – Subdivision (e)**

PAR 461 removes references and requirements for mobile fuelers as requirements are moved to PR 461.1. PAR 461 updates how the owner or operator are required to submit reporting documents.

#### **Rule 1402 Inventory Requirements – Subdivision (h)**

PAR 461 updates a reference to Rule 1402 – Control of Toxic Air Contaminants from Existing Sources to the correct subparagraph because of a subsequent amendment to Rule 1402.

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<sup>17</sup> CARB. (2021, February 18). *EXECUTIVE ORDER NVR-1-F*. California Air Resources Board. [https://arb.ca.gov/vapor/eos/eo-nvr1/eo\\_nvr1f.pdf](https://arb.ca.gov/vapor/eos/eo-nvr1/eo_nvr1f.pdf)

## **CHAPTER 4: SUMMARY OF PROPOSED AMENDED RULE 219**

OVERVIEW OF PROPOSED AMENDED RULES 219  
PROPOSED AMENDED RULE 219

**OVERVIEW OF PROPOSED AMENDED RULE 219**

Proposed Rule 461.1 (PR 461.1) – Gasoline Transfer and Dispensing for Mobile Fueling Operations will reduce emissions of VOC and toxic emissions from mobile fueling operations. PR 461.1 will lower the size threshold for mobile fuelers subject to specific requirements in the rule. Retail Mobile Fuelers will now be subject if the cumulative capacity of all cargo tanks exceeds 10 gallons while Non-Retail Mobile Fuelers will now be subject if the cumulative capacity of all cargo tanks exceeds 120 gallons. PAR 219 will modify and include exemptions in Storage and Transfer Equipment in subdivision (m).

**Need for Proposed Amended Rule 219**

Amendments to Rule 219 are needed to change equipment that was previously exempt and to align both with PR 461.1. Mobile fueling equipment with either less than a total cumulative capacity 251 gallons or an individual tank less than 120 gallons was exempt under Rule 219. However, if any of this equipment has Phase I or Phase II vapor recovery system, the mobile fueler would require a permit.

**PROPOSED AMENDED RULE 219**

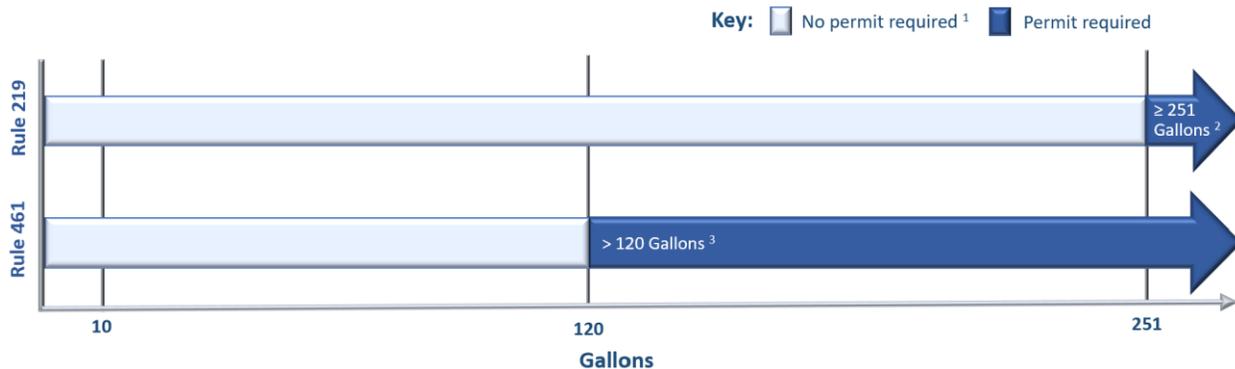
**Storage and Transfer Equipment – Subdivision (m)**

PAR 219 removes mobile fuelers from the existing exemption in paragraph (m)(9) in order to add two separate exemptions for retail and non-retail mobile fuelers in paragraphs (m)(10) and (m)(11) with the new lower cumulative capacity mobile fueler thresholds from PR 461.1.

Paragraph (m)(12) temporarily exempts mobile fuelers previously exempt so operators have time to apply and obtain a permit to operate.

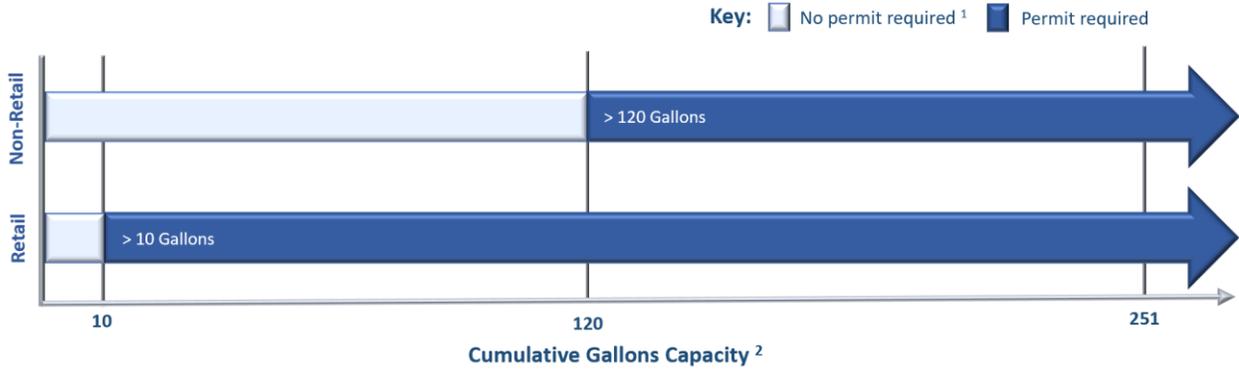
Figure 4-1 is a graphic representation of the current permitting requirements for mobile fuelers that fuel into motor vehicles. A permit to operate would be required for mobile fuelers with a tank capacity greater than 120 gallons as it would be required to be equipped with vapor recovery pursuant to Rule 461. Figure 4-2 is a graphic representation of proposed Rule 219 concepts for mobile fuelers.

**Figure 4-1  
Current Rule 219 and Rule 461 Permitting of Mobile Fuelers**



<sup>1</sup> If a vapor recovery system is installed on mobile fueler, a permit is required  
<sup>2</sup> Cumulative capacity  
<sup>3</sup> Tank capacity

**Figure 4-2**  
**Proposed Rule 219 Concept for Permitting of Mobile Fuelers**



<sup>1</sup> If a vapor recovery system is installed on mobile fueler, a permit is required

<sup>2</sup> Excluding one portable fuel container less than 5 gallons

## **CHAPTER 5 – IMPACT ASSESSMENT**

AFFECTED SOURCES

EMISSIONS IMPACT

CALIFORNIA ENVIRONMENTAL QUALITY ACT

SOCIOECONOMIC IMPACT ASSESSMENT

DRAFT FINDINGS UNDER CALIFORNIA HEALTH AND  
SAFETY CODE SECTION 40727

COMPARATIVE ANALYSIS

## AFFECTED SOURCES

PR 461.1 applies to the owner or operator of a mobile fueler. Additionally, it applies to a person who conducts any test for a mobile fueler; installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler; or manufacturers CARB certified control equipment or the associated components thereof. Staff conducted a survey of mobile fueling operations to collect information to accurately account for various types of operations, properly assess potential impacts, and to help inform the rulemaking efforts for mobile fueling operations. A review of the surveys revealed that mobile fuelers traditionally are almost exclusively used for non-retail fueling and are primarily used to fuel stationary equipment, off-road equipment, aircraft, and landscape equipment, to fill portable fuel containers, and for emergency fueling.

There are approximately 80 mobile fuelers at 38 facilities expected to be impacted by PR 461.1 and PAR 461. Approximately 80 mobile fuelers expected to be impacted by PAR 219. The number of affected sources were identified by using different methods based on the type of source.

- The permitted universe of mobile fuelers was identified by reviewing South Coast AQMD gasoline storage and dispensing permits
- The potential unpermitted universe of mobile fuelers was estimated from:
  - Survey responses
  - Internet searches
  - Information provided by stakeholders

Based on internet searches, stakeholder information, and compliance activities, staff suspects at least three mobile fueling companies have operated Model 3 mobile fuelers in the South Coast Air Basin. This includes one mobile fueling company that operated five mobile fuelers that were included in the count of mobile fuelers. As discussed in Chapter 1, Model 3 mobile fuelers lack emission controls and are unregulated. This regulatory gap means Model 3 mobile fuelers could operate near sensitive receptors and dispense gasoline in quantities that are comparable to a stationary gasoline dispensing facility.

The survey responses are not reflective of staff's research. Staff reached out to companies identified as providing MFOD services via email, telephone, and site visits, but were only able to receive operational information from two companies with retail mobile fueling. Regardless of an operator's decision to reply to the informational survey, upon adoption or amendment of the proposed rules for mobile fueling, operators that meet the applicability provisions are subject to the requirements of Proposed Rule 461.1 and Proposed Amended Rule 219.

## EMISSIONS IMPACT

Staff anticipates that implementation of these regulations will result in emission reductions from previously unregulated retail mobile fuelers with cumulative capacities of 10 to 251 gallons of gasoline and from gasoline mobile fuelers that do not dispense into motor vehicles. As discussed in Chapter 1, due to the geographic scope and limited use of one certified mobile fueler, and the discontinued manufacturing of a part necessary for proper operation of the only other mobile fueler with a CARB certified Phase II vapor recovery system, no new mobile fuelers are available with a CARB certified Phase II vapor recovery system at this time. Accordingly, PR 461.1 will temporarily allow mobile fuelers that were required by Rule 461 to be equipped with a CARB certified Phase II vapor recovery system to operate with a CARB certified Phase II non-vapor recovery components until two CARB certified mobile fuelers with Phase II vapor recovery

systems are available plus 60 months following notification by the Executive Officer. Because a CARB certified Phase II vapor recovery system will be required when two Phase II vapor recovery systems have been certified by CARB, any emission increase will be limited to new mobile fuelers that dispense into motor vehicles and will be temporary. Estimating the emission reductions from implementation of these rules is difficult because staff has limited information available for this emerging industry and is proposing PR 461.1 to address the regulatory gap.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Pursuant to the California Environmental Quality Act (CEQA) and South Coast AQMD's Certified Regulatory Program (Public Resources Code Section 21080.5 and CEQA Guidelines Section 15251(l); codified in South Coast AQMD Rule 110) and CEQA Guidelines Section 15070, the South Coast AQMD as lead agency, has prepared an Environmental Assessment (EA) with less than significant impacts for the proposed project. The EA is a substitute CEQA document prepared in lieu of a Negative Declaration. A Draft EA has been released for a 30-day public comment and review period from November 24, 2021 to December 24, 2021. If written comments are received, the comments and responses will be incorporated into the Final EA.

### **SOCIOECONOMIC IMPACT ASSESSMENT**

California Health & Safety Code §40440.8 requires a socioeconomic impact assessment for proposed and amended rules resulting in significant impacts to air quality or emission limitations. Staff has determined adoption of this rule would not result in significant impacts to air quality or emission limitations. Nevertheless, staff has provided the following impact analysis of the proposed rule.

Proposed Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations (PR 461.1) expands the control of VOC emissions from mobile fuelers with an individual tank capacity greater than 120 gallons (currently subject to Rule 461) to retail mobile fuelers with a cumulative capacity greater than 10 gallons and non-retail mobile fuelers with a cumulative capacity greater than 120 gallons (subject to PR 461.1). PR 461.1 would establish requirements based on Rule 461 to ensure VOC and toxic emissions are controlled.

### **AFFECTED INDUSTRIES/FACILITIES**

Based on the South Coast AQMD permit database and survey for PR 461.1, staff estimates that there are approximately 80 mobile fuelers operating at 38 facilities in the South Coast AQMD's jurisdiction that would be affected by PR 461.1, PAR 461, or PAR 219.

Rule 461 and PR 461.1 affect the Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals) industry (North American Industry Classification System [NAICS] 424720). Economic Models, Inc. (EMSI) regional industry profile for NAICS 424720 indicates just over 2,000 jobs in the 4-county region, and stable supply in the region (minimal growth or contraction).<sup>18</sup>

### **COMPLIANCE COSTS**

PR 461.1 addresses the regulatory gap by implementing requirements for previously unregulated mobile fuelers that align with Rule 461. PR 461.1 also establishes interim operating requirements to temporarily allow CARB certified mobile fuelers without Phase II systems to operate until CARB has certified at least two mobile fuelers equipped with Phase I and Phase II vapor recovery

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<sup>18</sup> Economic Models, Inc. (EMSI), economicmodeling.com industry profile for NAICS 424720, accessed 11/24/2021.

systems plus 60 months has elapsed following notification from the Executive Officer. As discussed in Chapter 1, CARB certified mobile fuelers equipped with Phase I and Phase II vapor recovery systems are not available for purchase, even though there are mobile fuelers permitted to operate in the South Coast AQMD that meet the requirements to operate with a Phase II vapor recovery system.

While an owner or operator would be required to cease operating a mobile fueler that is not equipped with Phase II, this is not a new requirement. Rule 461 prohibits retail operation for a CARB certified mobile fueler equipped with a Phase I vapor recovery system and non-vapor recovery components from dispensing into motor vehicles. PR 461.1 is temporarily allowing the use of such mobile fuelers as CARB certified mobile fueler equipped with Phase I and Phase II vapor recovery system is unavailable for purchase. As such, the future costs to either retrofit or acquire a CARB certified mobile fueler equipped with a Phase II vapor recovery system are not directly attributable to PR 461.1 since this was pre-existing requirement.

Existing facilities complying with Rule 461 are currently meeting the requirements for a CARB certified Phase I & Phase II vapor recovery system and as such are not expected to purchase any additional equipment or incur any additional costs. Staff recognizes Model 3 mobile fuelers would require costs to convert to a compliant model, but is unable to verify any Model 3 mobile fuelers are currently operating within South Coast AQMD's jurisdiction.

PR 461.1 monitoring, recordkeeping, and reporting requirements overlap with the existing Rule 461 requirements, and do not pose a significant increase in labor costs to mobile fueling operators. The regional economic impacts of the proposed rule are expected to be minimal.

## **DRAFT FINDINGS UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 40727**

### **Requirements to Make Findings**

California Health and Safety Code Section 40727 requires that prior to adopting, amending, or repealing a rule or regulation, the South Coast AQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the staff report.

### **Necessity**

PR 461.1, PAR 461, and PAR 219 are needed to regulate the emerging industry of retail mobile fuelers. PR 461.1 will address the regulatory gap for mobile fuelers with cumulative capacities of 10 to 251 gallons of gasoline and will require mobile fuelers to meet existing performance standards using equipment certified by CARB. PAR 461 and PAR 219 are needed for alignment with PR 461.1 and to eliminate conflicts with permitting thresholds and requirements for retail mobile fueling.

### **Authority**

The South Coast AQMD Governing Board has authority to adopt PR 461.1, PAR 461, and PAR, 219 pursuant to the California Health and Safety Code Sections California Health and Safety Code Sections 39002, ~~39650 et. seq., 39656 et seq.,~~ 40000, 40001, 40440, 40441, 40506, 40510, 40522, 40702, 40725 through 40728, 41508, 41510, 41511, 41700, 41544, and 42300 et seq., and Federal Clean Air Act Section 116 (Retention of State authority).

**Clarity**

PR 461.1, PAR 461, and PAR 219 are written or displayed so that its meaning can be easily understood by the persons directly affected by it.

**Consistency**

PR 461.1, PAR 461, and PAR 219 is in harmony with and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.

**Non-Duplication**

PR 461.1, PAR 461, and PAR 219 will not impose the same requirements as or in conflict with any existing state or federal regulations. Proposed amendments to Rule 461 will ensure provisions for mobile fueling are not duplicative in PR 461.1. The proposed amended rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the South Coast AQMD.

**Reference**

By adopting PR 461.1, PAR 461, and PAR 219, the South Coast AQMD Governing Board will be implementing, interpreting or making specific the provisions of the California Health and Safety Code Section 39650 et seq., 39656 et seq. (toxic air contaminants), ~~40000 (non-vehicular air pollution), 40001 (rules to achieve and maintain ambient air quality standards), 40440 (adopt regulation to carry out plan), 40702 (adopt regulations and execute duties), 41700 (nuisance), 41510 (right of entry), 41511 (rules to require source to determine emissions), 41700 (nuisance), 41950 (stationary gasoline tanks), 41954 (gasoline marketing operation performance standards), 41964 (enhanced vapor recovery Phase II upgrade), 42300 et seq. (permitting), 42303 (requests for information), Federal Clean Air Act Section 112 (Hazardous Air Pollutants), and Federal Clean Air Act Section 116 (Retention of State authority).~~

**COMPARATIVE ANALYSIS**

California Health and Safety Code Section 40727.2 requires a comparative analysis of the proposed rule requirements with those of any Federal or South Coast AQMD rules and regulations applicable to the same equipment or source category.

The proposed requirements in PR 461.1 also affect mobile fuelers subject to Rule 461, as the rule applies to both stationary and mobile gasoline transfer and dispensing. As discussed in Chapter 1 and Chapter 3, existing requirements for mobile fuelers would be removed in PAR 461. Since the requirements of PR 461.1 build upon the requirements from Rule 461, the comparative analysis focuses on requirements for mobile fueling operations.

The proposed amendments to Rule 219 do not impose federal rules or regulations that exempt facilities from requiring a permit for equipment. The proposed amendments do not impose a new emission limit or standard, make an existing emission limit or standard more stringent, or impose new or more stringent monitoring, reporting, or recordkeeping requirements. Therefore, a comparative analysis would not be required for PAR 219 pursuant to HSC § 40727.2(g).

Rule Element	PR 461.1	PAR 461	Rule 461
<b>Applicability</b>	<ul style="list-style-type: none"> <li>• Mobile fueler that conducts retail or non-retail operations</li> <li>• Persons that conduct testing, installation or repairs</li> <li>• Manufacturers and suppliers</li> </ul>	Mobile fueler applicability removed	<ul style="list-style-type: none"> <li>• Facilities that transfers gasoline from any tank truck, trailer, or railroad tank car into a stationary storage tank or mobile fueler and from stationary storage tank or mobile fueler into a motor vehicle fuel tank</li> <li>• Persons that conducts testing, installations or repairs</li> <li>• Manufacturers and suppliers</li> </ul>
<b>Mobile Fueler Vapor Recovery Requirements Phase I</b>	<ul style="list-style-type: none"> <li>• Equip mobile fueler cargo tank with vapor recovery system certified pursuant to CP-204</li> </ul>	Mobile fueler requirements removed	<ul style="list-style-type: none"> <li>• Equip mobile fueler tank with a “CARB certified” vapor recovery having a volumetric efficiency of 95%</li> </ul>
<b>Mobile Fueler Vapor Recovery Requirements Phase II</b>	<ul style="list-style-type: none"> <li>• Equip mobile fueler cargo tank dispensing into motor vehicles with a vapor recovery system certified pursuant to CP-205</li> <li>• CARB issued an Executive Order for the mobile fueler</li> <li>• Phase II components vapor and liquid tight while dispensing</li> <li>• Nozzles equipped with CARB certified insertion interlock mechanism and vapor check valve</li> <li>• Nozzles equipped with coaxial hose per Executive Order</li> </ul>	Mobile fueler requirements removed	<ul style="list-style-type: none"> <li>• Equip mobile fueler with a "CARB certified" vapor recovery system as capable of recovering or processing displaced gasoline vapors by at least 95% or having an emission factor not exceeding 0.38 pounds per 1,000 gallons</li> </ul>

<p><b>Mobile Fueler Non-vapor Recovery Requirements Phase II</b></p>	<ul style="list-style-type: none"> <li>• Mobile fuelers equipped with CARB certified non-vapor recovery components shall                             <ul style="list-style-type: none"> <li>○ Not dispense into anything other than a motor vehicle equipped with ORVR</li> <li>○ CARB issued an Executive Order for the mobile fueler</li> <li>○ Record motor vehicle information</li> <li>○ Submit monthly motor vehicle records report</li> </ul> </li> <li>• No later than 60 months after the Executive Officer issues a notification that CARB has certified at least two mobile fuelers equipped with a Phase II vapor recovery system, owner or operator shall                             <ul style="list-style-type: none"> <li>○ Operate a CARB certified mobile fueler equipped with Phase II vapor recovery system</li> <li>○ Cease operating the mobile fueler equipped with a CARB certified non-vapor recovery component</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Non-retail gasoline dispensing facilities issued a permit prior to [Date of Adoption] shall                             <ul style="list-style-type: none"> <li>○ Use hoses, breakaways, and nozzles that are part of a “CARB certified” vapor recovery system, except that the vapor return line is sealed off</li> <li>○ Use CARB certified non-vapor recovery component identified in the most recent revision of CARB Executive Order NVR-1</li> </ul> </li> <li>• If the non-retail gasoline dispensing was issued a permit or modified after [Date of Adoption] shall                             <ul style="list-style-type: none"> <li>○ Use CARB certified non-vapor recovery component identified in the most recent revision of CARB Executive Order NVR-1</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Non-retail gasoline dispensing facilities shall                             <ul style="list-style-type: none"> <li>○ Use hoses, breakaways, and nozzles that are part of a “CARB certified” vapor recovery system, except that the vapor return line shall be sealed off</li> <li>○ Dispense only into vehicles owner or direct control of the operator (except vehicles responding to an emergency)</li> <li>○ Dispense only into vehicles equipped with an ORVR system (except vehicles responding to an emergency)</li> <li>○ Maintain records</li> </ul> </li> </ul>
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Rule Element	PR 461.1	PAR 461	Rule 461
<b>Cargo Tank Requirements</b>	<ul style="list-style-type: none"> <li>• Mobile fueler capacity shall not be greater than 5,000 gallons</li> <li>• Equip the mobile fueler with a non-resettable totalizer</li> <li>• Not have on-board more than one portable fuel container</li> </ul>	Mobile fueler requirements removed	<ul style="list-style-type: none"> <li>• Mobile fueler capacity shall not be greater than 5,000 gallons</li> </ul>
<b>Operational Requirements: Spillage</b>	<ul style="list-style-type: none"> <li>• Store and handle gasoline in a manner that avoid spills</li> </ul>	Mobile fueler requirements removed	<ul style="list-style-type: none"> <li>• Store and handle gasoline in a manner that avoid spills</li> </ul>
<b>Operational Requirements: Dispensing Restrictions</b>	<ul style="list-style-type: none"> <li>• Dispensing hose length shall not exceed 75 feet</li> <li>• Dispensing of gasoline only by owner or operator of mobile fueler</li> </ul>	None specified None specified	None specified None specified
<b>Operational Requirements: Equipment tagged Out of Order</b>	<ul style="list-style-type: none"> <li>• Equipment “Out of Order” <ul style="list-style-type: none"> <li>○ Repaired, replaced, or adjusted</li> <li>○ Notify Executive Officer</li> <li>○ Reinspected by Executive Officer, if required</li> </ul> </li> </ul>	Mobile fueler requirements removed	<ul style="list-style-type: none"> <li>• Equipment “Out of Order” <ul style="list-style-type: none"> <li>○ Repaired, replaced, or adjusted</li> <li>○ Notify Executive Officer</li> <li>○ Reinspected by Executive Officer, if required</li> </ul> </li> </ul>

Rule Element	PR 461.1	PAR 461	Rule 461
<b>Operational Requirements:</b> CARB Certified Equipment	<ul style="list-style-type: none"> <li>• Operate per:               <ul style="list-style-type: none"> <li>○ Manufacturer specifications</li> <li>○ Executive Order</li> </ul> </li> <li>• Maintain Phase I and Phase II equipment so they are liquid and vapor tight, when applicable</li> <li>• Maintain spill box free of debris</li> <li>• Equip with overfill protection</li> <li>• Only bottom load gasoline into cargo tank from facility with Phase I vapor recovery system</li> <li>• Not top load of gasoline into cargo tank</li> <li>• Equip fill tubes and dry breaks with vapor tight caps and seals</li> <li>• Maintain each vapor tight cap in closed position unless it is active use</li> <li>• Equip each cargo tank or compartment with an overfill protection device</li> <li>• If equipped with a spill box, maintain it free of debris and other foreign matter</li> <li>• Keep cargo tank dome hatch closed</li> </ul>	Mobile fueler requirements removed	<ul style="list-style-type: none"> <li>• Operate per:               <ul style="list-style-type: none"> <li>○ Manufacturer specifications</li> <li>○ Executive Order</li> </ul> </li> <li>• Maintain Phase I and Phase II equipment so they are liquid and vapor tight, when applicable</li> <li>• Maintain spill box</li> <li>• Breakaway couplings with poppet valves, liquid and vapor tight</li> <li>• Overfill protection</li> <li>• Bottom load gasoline</li> <li>• Not specified</li> </ul>

Rule Element	PR 461.1	PAR 461	Rule 461
<b>Mobile Fueling Location Requirements</b>	<ul style="list-style-type: none"> <li>• Retail mobile fueler shall not operate unless a record for the dispensing location was submitted that identified the mobile fueler</li> <li>• Only one retail mobile company can operate per calendar month</li> <li>• Prohibited from operating 7:30 a.m. to 4:30 p.m. on days when school in session, if within 1,000 feet of school</li> <li>• Not operate without letter from the fire authority</li> <li>• May not dispense on public street, unless the <del>non-retail</del> mobile fueler is responding to an emergency or maintaining public infrastructure</li> <li>• Retail mobile fueler must dispense into equipment located at same dispensing location</li> </ul>	<p>Not specified</p> <ul style="list-style-type: none"> <li>• Not specified</li> </ul>	<ul style="list-style-type: none"> <li>• Not specified</li> <li>•</li> </ul>
<b>Mobile Fueling Labeling Requirements</b>	<ul style="list-style-type: none"> <li>• Owner shall post South Coast AQMD Complaint Line signage on mobile fueler</li> </ul>	<p>Mobile fueler requirements removed</p>	<ul style="list-style-type: none"> <li>• Owner shall post SCAQMD Complaint Line signage and toxic warning signs on mobile fueler</li> </ul>

Rule Element	PR 461.1	PAR 461	Rule 461
<p><b>Installation, Maintenance, and Repair Requirements</b></p>	<ul style="list-style-type: none"> <li>• Maintain CARB certified equipment per:                             <ul style="list-style-type: none"> <li>○ Manufacturer specifications</li> <li>○ Executive Order</li> </ul> </li> <li>• Minor defect repair within 7 days</li> <li>• Replace CARB certified component with CARB certified component</li> <li>• Maintain CARB components as supplied by manufacturer except after repair or maintenance to restore function or performance</li> <li>• Only CARB authorized person may rebuild CARB certified components</li> <li>• Repair performed only by certified trained person using new or CARB certified remanufactured components listed on most recent CARB Executive Order</li> <li>• Non-manufacturer installer or contractor shall not install, alter, repair, or replace CARB certified systems unless obtaining any applicable manufacturer’s certification</li> <li>• Installer or contractor shall not install, alter, repair, or replace CARB certified systems unless successfully completing applicable state certification</li> </ul>	<p>Mobile fueler requirements removed</p>	<ul style="list-style-type: none"> <li>• Maintain CARB certified equipment per:                             <ul style="list-style-type: none"> <li>○ Manufacturer specifications</li> <li>○ Executive Order</li> </ul> </li> <li>• Minor defect repair within 7 days</li> <li>• Replace CARB certified component with CARB certified component</li> <li>• Maintain CARB components as supplied by manufacturer except after repair or maintenance to restore function or performance</li> <li>• Only CARB authorized person may rebuild CARB certified components</li> <li>• Repair performed only by certified trained person using new or CARB certified remanufactured components listed on most recent CARB Executive Order</li> <li>• Non-manufacturer installer or contractor shall not install, alter, repair, or replace CARB certified systems unless obtaining any applicable manufacturer’s certification</li> <li>• Installer or contractor shall not install, alter, repair, or replace CARB certified systems unless successfully completing</li> </ul>

Rule Element	PR 461.1	PAR 461	Rule 461
	<p>program required for the installation and alteration of a vapor recovery system</p> <ul style="list-style-type: none"> <li>• A person shall not supply, offer for sale, sell, install or allow the installation of control equipment unless                             <ul style="list-style-type: none"> <li>○ Control equipment is CARB certified</li> <li>○ Control equipment components have enduring stamped information identifying the component in the CARB Executive Order</li> </ul> </li> <li>• Qualified manufacturer shall attach or stamp onto a rebuilt component required information using methods or materials that would endure long term</li> <li>• In the event of a separation due to a drive-off, the owner shall conduct a visual inspection and either:                             <ul style="list-style-type: none"> <li>○ Repair the equipment and successfully pass required testing from CARB Executive Order; or</li> <li>○ Replace the affected equipment using new or certified rebuilt components that are CARB certified</li> </ul> </li> </ul>		<p>applicable state certification program required for the installation and alteration of a vapor recovery system</p> <ul style="list-style-type: none"> <li>• A person shall not supply, offer for sale, sell, install or allow the installation of control equipment unless                             <ul style="list-style-type: none"> <li>○ Control equipment is CARB certified</li> <li>○ Control equipment components have enduring stamped information identifying the component in the CARB Executive Order</li> </ul> </li> <li>• Qualified manufacturer shall attach or stamp onto a rebuilt component required information using methods or materials that would endure long term</li> <li>• In the event of a separation due to a drive-off, the owner shall conduct a visual inspection and either:                             <ul style="list-style-type: none"> <li>○ Repair the equipment and successfully pass required testing from CARB Executive Order; or</li> <li>○ Replace the affected equipment using new or</li> </ul> </li> </ul>

Rule Element	PR 461.1	PAR 461	Rule 461
	<ul style="list-style-type: none"> <li>• Unless authorized by CARB, any person shall not conduct repair or maintenance that changes the size, shape or construction of any gasoline vapor passage that would reduce the recovery of gasoline vapors</li> </ul>		<p>certified rebuilt components that are CARB certified</p> <ul style="list-style-type: none"> <li>• Unless authorized by CARB, any person shall not conduct repair or maintenance that changes the size, shape or construction of any gasoline vapor passage that would reduce the recovery of gasoline vapors</li> </ul>
<p><b>Self-Compliance Requirements</b></p>	<p>Owner or operator of a retail mobile fueler or a non-retail mobile fueler shall:</p> <ul style="list-style-type: none"> <li>• Conduct                             <ul style="list-style-type: none"> <li>○ Daily maintenance inspections</li> <li>○ Periodic compliance inspections</li> <li>○ Periodic maintenance specified by manufacturer of the control equipment</li> </ul> </li> <li>• Develop and implement:                             <ul style="list-style-type: none"> <li>○ Procedures to determine and record next required test date</li> <li>○ Employee training program</li> </ul> </li> <li>• Upon identification of a major defects in vapor recovery systems, remove the equipment from service and repair equipment before returning it to service</li> </ul>	<p>Mobile fueler requirements removed</p>	<p>Owner or operator of a retail dispensing shall implement:</p> <ul style="list-style-type: none"> <li>• Self compliance program that includes:                             <ul style="list-style-type: none"> <li>○ Daily maintenance inspections</li> <li>○ Periodic compliance inspections</li> <li>○ Maintenance inspection with the applicable Phase I and Phase II vapor recovery systems and components</li> <li>○ Procedure to determine and record the next required test date</li> <li>○ Employee training program</li> </ul> </li> <li>• Remove, repair, brought into compliance, and duly entered into the repair log any equipment with a major defect that was identified during inspections</li> </ul>

Rule Element	PR 461.1	PAR 461	Rule 461
			<ul style="list-style-type: none"> <li>• Defects discovered self-inspection and repaired shall not constitute a violation of Rule 461</li> <li>• Complete District-approved training program prior to conduct daily or periodic inspections</li> </ul>
<p><b>Recordkeeping</b></p>	<ul style="list-style-type: none"> <li>• Owner or operator of a mobile fueler shall implement a maintenance program and document program in an Operation and Maintenance (O&amp;M) Manual for CARB certified control equipment</li> <li>• Owner or operator of a retail or non-retail mobile fueler shall maintain:                             <ul style="list-style-type: none"> <li>○ Records of all components installed, defective components identified or repaired during self-compliance inspections</li> <li>○ Repair logs</li> <li>○ Records of tests</li> <li>○ Daily and periodic compliance inspection records</li> <li>○ Records to prove that installer/contractor has successfully completed any applicable manufacturer or state certification program</li> </ul> </li> </ul>	<p>Mobile fueler requirements removed</p>	<ul style="list-style-type: none"> <li>• Owner or operator shall implement a maintenance program and document program in an O&amp;M Manual for vapor recovery system</li> <li>• Owner or operator shall maintain the following:                             <ul style="list-style-type: none"> <li>○ Records of all components installed, defective components identified or repaired during self-compliance inspections</li> <li>○ Repair logs</li> <li>○ Records of tests</li> <li>○ Daily and periodic compliance inspection records</li> <li>○ Records to prove that installer/contractor has successfully completed a manufacturer</li> </ul> </li> </ul>

Rule Element	PR 461.1	PAR 461	Rule 461
	<ul style="list-style-type: none"> <li>• Owner or operator of a retail mobile fueler shall maintain a record for each dispensing location, totalizer records, and any reconciliation</li> <li>• Owner or operator of a retail or non-retail mobile fueler with a throughput limit per location shall maintain daily dispensing record and create a monthly dispensing record for the prior month on or before the 20<sup>th</sup> of each calendar month</li> <li>• Owner or operator shall maintain information when dispensing on a public street</li> <li>• Owner or operator of a retail or non-retail mobile shall maintain daily transfer record</li> <li>• Owner or operator of a retail or non-retail mobile fueler without a throughput limit shall create a monthly dispensing record for the previous calendar month</li> <li>• A person who installs, inspects, or tests shall provide the owner or operator of a mobile fueler all records by the end of the day when the service is provided</li> <li>• Owner or operator of a retail or non-retail mobile fueler shall</li> </ul>		<ul style="list-style-type: none"> <li>• Not specified</li> <li>• Owner or operator of a gasoline transfer and dispensing facility shall maintain monthly gasoline throughput records</li> <li>• A person who installs, inspects, or tests shall provide the owner or operator of a mobile fueler all records by the end of the day when the service is provided</li> <li>• Owner or operator of a gasoline transfer and dispensing facility shall provide all records for at least two years or five years at a Title V facility</li> </ul>

Rule Element	PR 461.1	PAR 461	Rule 461
	<p>maintain all records for at least two years or five years at a Title V facility</p> <ul style="list-style-type: none"> <li>• Owner or operator of a retail or non-retail mobile fueler shall provide all records upon request to the Executive Officer</li> </ul>		<ul style="list-style-type: none"> <li>• Owner or operator of a gasoline transfer and dispensing facility shall provide all records upon request to the Executive Officer</li> </ul>
<p><b>Testing Requirements</b> for owner or operator</p>	<ul style="list-style-type: none"> <li>• Mobile fueler equipped with a Phase I or Phase II vapor recovery system shall:                             <ul style="list-style-type: none"> <li>○ Conduct all required tests in accordance with approved test methods</li> <li>○ Conduct and pass performance tests within 10 calendar days after initially dispensing gasoline from a new mobile fueler or a mobile fueler that has undergone modification</li> </ul> </li> <li>• Retail mobile fueler equipped with a Phase I or Phase II vapor recovery system shall conduct reverification tests annually or semi-annually depending on throughput</li> <li>• Non-retail mobile fueler equipped with a Phase I or Phase II vapor recovery system shall conduct reverification annually</li> </ul>		<ul style="list-style-type: none"> <li>• New or altered gasoline and transfer dispensing facility shall:                             <ul style="list-style-type: none"> <li>○ Conduct all required tests in accordance with approved test methods</li> <li>○ Conduct and pass performance tests within 10 calendar days after initially dispensing gasoline</li> </ul> </li> <li>• Retail gasoline transfer and dispensing facility shall conduct reverification tests annually or semi-annually depending on throughput</li> <li>• Non-retail gasoline transfer and dispensing facility shall conduct reverification annually</li> </ul>

Rule Element	PR 461.1	PAR 461	Rule 461
	<ul style="list-style-type: none"> <li>• Mobile fueler equipped with a Phase I or Phase II vapor recovery system shall conduct subsequent reverification test during the same calendar month or based on the new reverification testing month</li> <li>• Not operate mobile fueler unless either:                             <ul style="list-style-type: none"> <li>○ Applicable performance and reverification tests are passed</li> <li>○ Test failure is due to dispensing equipment and the equipment can be isolated</li> </ul> </li> </ul>		<ul style="list-style-type: none"> <li>• Gasoline transfer and dispensing facility shall conduct subsequent reverification test during the same calendar month or based on the new reverification testing month</li> <li>• Not operate gasoline transfer and dispensing facility unless either:                             <ul style="list-style-type: none"> <li>○ Applicable performance and reverification tests are passed</li> <li>○ Test failure is due to dispensing equipment and the equipment can be isolated</li> </ul> </li> </ul>
<p><b>Testing</b> Change in Operator or Owner</p>	<ul style="list-style-type: none"> <li>• New owner or operator of mobile fueler shall either:                             <ul style="list-style-type: none"> <li>○ Conduct the next reverification test within the same testing month</li> <li>○ Complete all the applicable reverification testing within 30 days of the change of the owner or operator if no prior reverification test records are available</li> </ul> </li> </ul>	<p>No amendment proposed</p>	<ul style="list-style-type: none"> <li>• New owner or operator of a gasoline transfer and dispensing shall either:                             <ul style="list-style-type: none"> <li>○ Conduct the next reverification test within the same testing month</li> <li>○ Complete all the applicable reverification testing within 30 days of the change of the owner or operator if no prior reverification test records are available</li> </ul> </li> </ul>

Rule Element	PR 461.1	PAR 461	Rule 461
<p><b>Testing</b> Requirements for person who conduct performance or reverification tests</p>	<ul style="list-style-type: none"> <li>• Conduct tests in accordance with applicable test methods</li> <li>• Use calibrated equipment</li> <li>• Notify South Coast AQMD at least three days prior to testing</li> <li>• Conduct testing between 7:00 a.m. and 8:00 pm. Monday through Friday</li> <li>• Successfully completed the South Coast AQMD’s Tester Orientation class prior to testing</li> <li>• Successfully completed the ICC tester certification</li> <li>• Cease conducting tests after being cited within any six-month period for at least two violations that affected the accuracy of the test until after successfully re-completing the South Coast AQMD’s Tester Orientation class</li> <li>• Cease conducting tests after being cited within any 12-month period for at least three violations that could have affected the accuracy of the test</li> </ul>	<p>No amendment proposed</p>	<ul style="list-style-type: none"> <li>• Conduct tests in accordance with applicable test methods</li> <li>• Use calibrated equipment</li> <li>• Notify South Coast AQMD at least three days prior to testing</li> <li>• Conduct testing between 7:00 a.m. and 8:00 pm. Monday through Friday</li> <li>• Successfully completed the South Coast AQMD’s Tester Orientation class prior to testing</li> <li>• Successfully completed the ICC tester certification</li> <li>• Cease conducting tests after being cited within any six-month period for at least two violations that affected the accuracy of the test until after successfully re-completing the South Coast AQMD’s Tester Orientation class</li> <li>• Cease conducting tests after being cited within any 12-month period for at least three violations that could have affected the accuracy of the test</li> </ul>



Rule Element	PR 461.1	PAR 461	Rule 461
	<p>infrastructure no later than 48 hours after dispensing on a public street</p> <ul style="list-style-type: none"> <li>• Owner or operator of a retail mobile fueler shall submit monthly dispensing records for the previous year on or before March 1</li> <li>• A person who conducts tests shall submit a summary of the results to the Executive Officer within 72 hours after each test is conducted</li> <li>• A person who conducts tests shall submit the final test report within 14 calendar days the date when all dates were passed</li> </ul>		<ul style="list-style-type: none"> <li>• Owner or operator of a gasoline transfer and dispensing facility shall submit monthly gasoline throughput data for the previous calendar year on or before March 1</li> <li>• A person who conducts tests shall submit a summary of the results to the Executive Officer within 72 hours after each test is conducted</li> <li>• A person who conducts tests shall submit the final test report within 14 calendar days the date when all dates were passed</li> </ul>
<p><b>Exemptions</b></p>	<ul style="list-style-type: none"> <li>• Transfer of gasoline into testing equipment is exempt from the rule</li> <li>• Phase II vapor recovery requirements shall not to the fueling of Tournament of Roses parade floats</li> <li>• Until July 1, 2022, Phase I Vapor Recovery requirements shall not apply to:                             <ul style="list-style-type: none"> <li>○ Retail mobile fueler with a cumulative capacity greater than 10 gallons and less than 251 gallons</li> </ul> </li> </ul>	<p>No additional amendment proposed</p>	<ul style="list-style-type: none"> <li>• Transfer of gasoline into testing equipment is exempt from the rule</li> <li>• Phase II vapor recovery requirements shall not to the fueling of Tournament of Roses parade floats</li> <li>• Any requirement for equipment or component(s) to be CARB certified where an applicable valid Executive Order has not been issued by CARB shall not apply until applicable Executive Order becomes effective</li> </ul>

Rule Element	PR 461.1	PAR 461	Rule 461
	<ul style="list-style-type: none"> <li>○ Non-retail mobile fueler with a cumulative capacity greater than 120 gallons and less than 251 gallons</li> <li>○ Non-retail or retail mobile fueler that does not dispense into a motor vehicle</li> <li>● Until July 1, 2022, Phase II Vapor Recovery requirements shall not apply to:                             <ul style="list-style-type: none"> <li>○ Retail mobile fueler with a cumulative capacity greater than 10 gallons and less than 251 gallons</li> <li>○ Non-retail mobile fueler with a cumulative capacity greater than 120 gallons and less than 251 gallons</li> </ul> </li> <li>● Until July 1, 2022, subdivision (g) shall not apply to a retail or non-retail mobile fueler</li> </ul>		

## **APPENDIX A: RESPONSE TO COMMENTS**

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**Britney Gallivan**

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**From:** Frazer, Ronald M [US] (SP) <Ron.Frazer@ngc.com>  
**Sent:** Tuesday, October 26, 2021 4:56 PM  
**To:** Britney Gallivan  
**Subject:** PRO 219

I've reviewed the language in PRO 219 and the corresponding Staff Report.

It appears that the only changes to R219 are those related to fueling operations, and I assume that no other proposed changes not associated with fueling would be considered.

There are a number of inconsistencies in R219 that should be addressed such as the emission control system for some exempt sources are also exempt, but for other exempt sources the associated control system is not exempt.

Electroplating precious metal is exempt, but Electroless plating of the same metals, which has significantly less emissions, is not exempt.

- (5) Equipment used exclusively for the plating, stripping, or anodizing of metals as described in subparagraphs (p)(5)(A) through (p)(5)(G). This exemption does not include any tank that contains chromium, or contains nickel, lead or cadmium and is rectified, sparged or heated.
  - (A) electrolytic plating of exclusively brass, bronze, copper, iron, tin, zinc, and precious metals;
  - (B) electroless nickel plating, provided that the process is not air-sparged and no electrolytic reverse plating occurs;
  - (C) the electrolytic stripping of brass, bronze, copper, iron, tin, zinc, and

Please contact me if you have any questions.

**Ronald Frazer**

*Senior Air Quality Engineer*

*Environmental, Health, & Safety*

***Northrop Grumman Aerospace Systems***

[ron.frazer@ngc.com](mailto:ron.frazer@ngc.com)

310.812.3021 - office

310.429.2175 - cell

310.812.1059 - fax

**Response to Northrop Grumman Aerospace Comment Letter (10/26/21), submitted 10/26/2021**

The proposed amendments to Rule 219 are specific to the rule development of Proposed Rule 461.1 (PR 461.1) and address mobile fueling operations that were previously exempt. As staff has not evaluated Rule 219 for additional amendments nor solicited comments on other provisions of Rule 219, Rule 219 is only being amended to address mobile fueling operations. Separate rulemaking for Rule 219 will be initiated in the first quarter of 2022, to determine amendments that need to be made, and will be included in the Resolution in the board package.

**Britney Gallivan**

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**From:** Bob Hill <bob@franzenhill.com>  
**Sent:** Sunday, November 7, 2021 7:47 AM  
**To:** Britney Gallivan  
**Subject:** [EXTERNAL]Booster fuel letter

We went down this road at hearings at SCAQD hearings, and the two-System with Executive Orders issued were the SUMD System G-70-166 and the Hill-Vac Systems G-70-193 this was i believe in 1997 through 1999. I am sorry I can't attend the meeting, I am having medical procedure @9:00 am.

Sent from my iPhone

**Response to Bob Hill Comment Email, submitted 11/07/21**

Staff appreciates the additional information regarding CARB Executive Order G-70-166 issued in 1995, as this system was not listed on the CARB website. G-70-166 was certified for the Sacramento Municipal Utility District. Staff confirmed with CARB that this Executive Order was indeed issued. Staff has corrected the staff report to indicate that there were two CARB certified mobile fuelers equipped with Phase II vapor recovery systems. However, as both systems are not available for purchase, staff is retaining the provision to temporarily allow CARB certified mobile fuelers equipped with a Phase I and a non-vapor recovery dispensing components to operate.

**Britney Gallivan**

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**From:** Cheryl Atkinson <cheryl.atkinson.pfcma@gmail.com>  
**Sent:** Sunday, November 7, 2021 8:19 AM  
**To:** Britney Gallivan  
**Subject:** [EXTERNAL]461, 219, 461.1

Hi Brittany

I represent the Consumer Portable Fuel Container Manufacturer's Association and have been following the progression of rule changes related to Mobile Fueling. I would like to comment positively on the various exemptions that have been introduced for portable fuel containers. However I would like to point out that consumer portable fuel containers are certified to the voluntary standard ASTM F852/F852M and at least 95% of the U.S. market for portable fuel containers comply with this standard.

I would therefore recommend that your various exemptions reflect the capacity range used in this standard. This is stated as:

4.3 *Capacity*—The PFC rated capacity shall be a maximum of 25 L [6.6 gal]

Please advise me if I should raise this matter more formally in order to ensure that it receives suitable consideration.

Thank you

Cheryl Atkinson  
PFCMA Executive Director  
902 635 2460



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**Responses to Cheryl Atkinson Comment Email, submitted 11/07/21**

The exclusion of a single portable fuel container in the PR 461.1 definition of Cumulative Capacity was revised from 5 gallons to the following:

*CUMULATIVE CAPACITY means the Mobile Fueler's combined storage capacity of each Cargo Tank that is on a Mobile Fueler at a given time, excluding one individual portable fuel container with a capacity up to 6.6 gallons.*

**Britney Gallivan**

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**From:** Jose E. Rodriguez <jerodriguezsd@aol.com>  
**Sent:** Tuesday, November 9, 2021 11:46 AM  
**To:** Britney Gallivan  
**Subject:** Re: \*\*UPDATE - MEETING PRESENTATION\*\* South Coast AQMD Proposed Amended Rules 461, 219, 222 and Proposed Rule 461.1 - Working Group Meeting #8

Hello Britney,

Thank you for the invitation great presentation today. With regards to mobile refueling and a CARB EVR approved phase II system; is there anyone currently seeking or undergoing certification with CARB at this time?

Also, can you provide Taylor Henderson, Boost Fueling contact information?

Thank you,

Jose E. Rodriguez  
Director of Technical Services,  
CARB Liaison & Western US Sales  
EMCO Wheaton Retail Corp.  
Cell: 619-846-846-9882

**Responses to Jose E. Rodriguez Comment Email, submitted 11/09/21**

Staff is only aware of Hill-Vac Vapor Recovery System for Cargo Tank Motor Vehicle Fueling Systems that is undergoing CARB recertification at this time.



Booster Fuels, Inc.  
1840 Gateway Drive  
Suite 200  
San Mateo, CA 94404

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**VIA EMAIL**

November 10, 2021

Ms. Susan Nakamura  
Assistant Deputy Executive Officer  
Planning, Rule Development  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

**RE: Proposed Rule 461.1 Rulemaking Comments**

Dear Ms. Nakamura:

I want to thank you and the South Coast AQMD ("District") again for the time and effort collaborating with various governmental and industry stakeholders to further advance the proposed rulemaking for mobile fueling operations. We are grateful for the opportunity to work closely on this project and very much appreciate the steps taken by the District to address some of the key concerns that have been brought forth thus far. The District's recent decision to modify Proposed Rule 461.1 ("PR 461.1") to allow for the use of an alternative CARB certified method of complying with emission control requirements until at least two Phase II vapor recovery systems have been certified by CARB will not only help to alleviate market competition concerns, but provides added assurance that at least one CARB certified method of complying with a 95% emission control efficiency will be available should there be a lack of commercial availability for CARB certified Phase II systems.<sup>1</sup>

I write today on behalf of Booster Fuels, Inc. ("Booster") to provide further commentary on the primary inconsistencies we believe still remain between the proposed requirements applicable to "Retail" Mobile Fuelers compared to "Non-Retail" Mobile Fuelers. Our first concern is in regard to the duplicative permitting requirements that apply to both Retail Mobile Fueler and Owner or Operator of the dispensing location, and the second issue is in regard to various stakeholder concerns that arose during Working Group Meeting #8 on November 9, 2021 surrounding the potential lack of commercial availability of CARB certified Phase II vapor recovery systems (i.e. supply chain constraints, etc.) combined with the District's stated

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<sup>1</sup> Modification made in response to Booster Comment Letter dated September 1, 2021 where the District concluded to allow CARB certified mobile dispensing systems that use CARB certified non-vapor recovery equipment for dispensing to only vehicles equipped with ORVR (such as the Booster Mobile Fueling On-Demand Tank Vehicle Gasoline Dispensing System for ORVR Vehicles per CARB Executive Order VR-601-A) until at least two Phase II vapor recovery systems have been certified by CARB.

preference for a Phase II vapor recovery system compared to other CARB certified methods capable of complying with a 95% emission control efficiency when the proposed rule will still require an emission control measure "capable of recovering or processing displaced Gasoline Vapors by at least 95%."

In terms of the duplicative permitting requirements, PR 461.1(g) not only requires the Retail Mobile Fueler obtain a permit to conduct fueling, which will be limited to specific consumer or fleet locations, but also requires the owner or operator of each dispensing location to obtain a separate registration or permit for that same fueling operation. We were particularly surprised to see that these requirements only apply to "Retail" Mobile Fueling, particularly in light of the extensive recordkeeping and monthly reporting requirements specific to "Retail" Mobile Fuelers that are already being proposed under PR 461.1(k)(2), (4) & (5):

PR 461.1(k)(2):

*For each Dispensing Location, the owner or operator of a Retail Mobile Fueler shall maintain the following information:*

- A. *South Coast AQMD facility ID for the Dispensing Location;*
- B. *South Coast AQMD registration or permit to operate number for the dispensing location;*
- C. *Name of the Dispensing Location;*
- D. *Address of the Dispensing Location;*
- E. *County of the Dispensing Location;*
- F. *Dispensing Location contact information for personnel that is authorized to grant South Coast AQMD staff access to the site to conduct inspections of the Mobile Fueler operations that includes the following:*
  - i. *Name of the contact;*
  - ii. *Title of the contact;*
  - iii. *Telephone number for the contact;*
  - iv. *Email for the contact; and*
- G. *Documentation by the responsible fire department or fire authority to the owner or operator for either:*
  - i. *The written approval to conduct transfer or dispensing gasoline from a retail mobile fueler at the specified dispensing location; or*
  - ii. *The written statement that approval that the transfer or dispensing of gasoline from a retail mobile fueler is not required at the specified dispensing location.*

PR 461.1(k)(4):

*The owner or operator of a Retail Mobile Fueler or Non-Retail Mobile Fueler shall maintain records of the information specified in Table 2 – Transfer Information for each Transfer of Gasoline.*

Comment  
5-1

**Table 2 – Transfer Information**

Requirements	Mobile Fueler Category	
	Retail	Non-Retail
2.1 Date of transfer	Yes	Yes
2.2 Start time of transfer	Yes	Yes
2.3 South Coast AQMD permit to operate or registration number for mobile fueler	Yes	Yes
2.4 Identification of cargo tank transferring the gasoline and cargo tank capacity in gallons	Yes	Yes
2.5 Identification of compartment transferring the gasoline and compartment capacity in gallons, if applicable	Yes	Yes
2.6 Name of the transfer location	Yes	Yes
2.7 Address of the transfer location	Yes	Yes
2.8 South Coast AQMD facility ID for the transfer location	Yes	Yes
2.9 Type of transfer (loading or unloading)	Yes	Yes
2.10 For each transfer, the type of gasoline, total gallons of gasoline transferred into or out of each cargo tank or cargo tank compartment	Yes	Yes

Comment  
5-1 Cont.

**PR 461.1(k)(5):**

*The owner or operator of a Retail Mobile Fueler shall maintain the following:*

- A. Totalizer records indicating the totalizing meter reading at the start and end of each day for each Cargo Tank and, if applicable, each Cargo Tank compartment; and*
- B. Inventory reconciliation records indicating the following for each mobile fueler inventory reset:
 
  - i. Date of inventory reset;*
  - ii. Time of inventory reset;*
  - iii. Mobile fueler permit number; and*
  - iv. Volume in gallons.**

As the requirements listed above demonstrate, there is already an extreme abundance of detailed recordkeeping requirements being proposed for Retail Mobile Fuelers on dispensing locations, totalizer meter readings, inventory reconciliations, dates, start time, compartment type, type of gasoline, and total gallons of gasoline transferred per each dispensing event at each location. It seems clear to us that this level of information would already provide the District with the information necessary to ensure health risk impacts are not being exceeded for any particular location. Our concern is that by requiring both Retail Mobile Fueler and Owner or

Operator of a dispensing location obtain a permit or registration, it will not only create a redundancy in permitting and cost but will be duplicative in that Retail Mobile Fuelers will already be subject to District health risk assessment and enforcement requirements when fueling at any particular site location.<sup>2</sup> We believe this could be avoided by requiring the owner or operator of a Retail Mobile Fueler to pre-register each site location where fueling operations are to be conducted, as we discussed during our recent telephone call.

Comment  
5-1 Cont.

Secondly, PR 461.1(d)(2) & (3), as it's currently proposed, would require use of a CARB certified Phase II Vapor Recovery system regardless of commercial availability once two such systems are certified by CARB. As you know, Booster and at least one other industry stakeholder raised concerns about this issue during Working Group Meeting #8. Furthermore, not only has commercial availability of Phase II systems for mobile fuelers been a primary concern raised by various stakeholders throughout this proposed rulemaking, but it was the District's stance during Working Group Meeting #8 that use of an available CARB certified alternative, which the District has already concluded achieves a 95% emission control efficiency,<sup>3</sup> would not be allowed once two Phase II systems are certified. That said, PR 461.1(d)(2)(A) currently requires an emission control measure "capable of recovering or processing displaced Gasoline Vapors by at least 95%."

Comment  
5-2

As noted in the Comment Letter submitted by Booster on September 1, 2021, Section 41954(g)(1) & (g)(3) of the California Health and Safety Code states:

- (1) Except as authorized by other provisions of law and except as provided in this subdivision, no district may adopt, after July 1, 1995, stricter procedures or performance standards than those adopted by the state board pursuant to subdivision (a), and no district may enforce any of those stricter procedures or performance standards.
- (3) Any stricter procedures or performance standards shall not be implemented until at least two systems meeting the stricter performance standards have been certified by the state board.

Comment  
5-3

By not allowing use of one CARB certified control measure capable of achieving a 95% control efficiency over another, it would seem as though the District is proposing to implement stricter performance standards than those which have been certified by CARB. The District even stated the following (in substance) during Working Group Meeting #8:

<sup>2</sup> Per Section 39620 of the California Health and Safety Code, "It is in the interest of the people of the state, particularly during times of economic difficulty, to enact laws which improve the processes by which businesses comply with environmental and air quality laws, without sacrificing the protection of public health and the environment . . . The purpose of this article is to require districts to review their permit programs and to institute new, efficient procedures which will assist businesses in complying with regional, state, and federal air quality laws in an expedited fashion, without reducing protection of public health and the environment."

<sup>3</sup> Per South Coast AQMD Draft Staff Report, Proposed Amended Rule 1401 – New Source Review of Toxic Air Contaminants, Appendix B – Comments and Responses: "As discussed at the Working Group meetings, based on the available test data from CARB and EPA, SCAQMD staff concluded that the Phase II vapor recovery system and ORVR systems would each achieve a 95% control efficiency." (August 2017).

- That there were discussions that SCAQMD had regarding the percentage reduction that would be applied for Phase II vapor recovery and a vehicle equipped with ORVR.
- That SCAQMD didn't believe there was a 95% reduction for Phase II on top of a 95% reduction for ORVR.
- That SCAQMD did believe that there was "*some benefit*" to using both systems together but SCAQMD was not clear on exactly what that benefit is.
- That SCAQMD had numerous discussions with CARB in which SCAQMD urged CARB to conduct additional testing.
- That since CARB has never done the retesting, SCAQMD has taken the "conservative approach" to only recognize one 95% control efficiency.

Comment  
5-3 Cont.

Again, the primary concern here surrounds market competition and a potential lack of commercial availability for CARB certified Phase II systems.

We want to thank you and your team for the time and effort that you are putting into this process. We are happy to be a resource as you go through this rulemaking, and we would be glad to meet with you to discuss this or any other issues relating to the rulemaking process.

Thank you for your attention to this matter.

Best regards,



Joseph Okpaku  
Chief Policy Officer  
Booster Fuels, Inc.

**Responses to Booster Fuels, Inc. Comment Letter, submitted 11/10/21**

- 5-1 Response: Staff has revised PR 461.1 to remove the registration and permitting requirements for dispensing location owners and operators. Paragraph (g)(1) was revised to require a report for the dispensing location instead of the dispensing location being registered or permitted.

*The owner or operator of a Retail Mobile Fueler shall not Transfer or Dispense Gasoline at a Dispensing Location unless a record for the Dispensing Location was submitted pursuant to paragraph (m)(1) that identified the Retail Mobile Fueler.*

The record in paragraph (m)(1) would include the information specified paragraph (k)(2) and would be submitted to the Executive Officer at least 48 hours before initial dispensing at a dispensing location and when a different mobile fueling operator was operating at the dispensing location during a prior calendar month. Additionally, as dispensing locations are not required to be registered, PAR 222 would not be amended.

- 5-2 Response: Throughout the rule development process, staff has revised PR 461.1 to temporarily allow a CARB certified mobile fueler equipped with Phase I vapor recovery system and non-vapor recovery components for dispensing. Staff met with the commenter and explained the challenge of making the requirements to cease operating a CARB certified mobile fueler equipped with Phase I vapor recovery system and non-vapor recovery components for dispensing dependent on “commercial availability”. Staff believes that the term “commercial availability” is ambiguous and provides uncertainty to both South Coast AQMD and the regulated community.

Staff has modified the requirement to be a defined period, allowing mobile fuelers equipped with CARB certified non-vapor recovery components for dispensing to operate up to 60 months after the South Coast AQMD has given notice that CARB has certified at least two Mobile Fuelers equipped with Phase II Vapor Recovery Systems. This time period allows the procurement of the mobile fueler and permit with South Coast AQMD. Alternatively, if the owner or operator of the mobile fueler is not satisfied with the certified mobile fuelers, they can develop their own mobile fueler and work with CARB to certify the mobile fueler.

- 5-3 Response: Staff disagrees that PR 461.1 is requiring mobile fuelers to meet a stricter standard as a Phase II vapor recovery system was required in 1995 by Rule 461 (Also see South Coast AQMD response letter dated October 19, 2021 in response to Booster letter dated September 1, 2021). As discussed in Chapter 1, CARB has previously certified two mobile fuelers equipped with Phase II vapor system. However, as both mobile fuelers are not available for purchase, staff has revised PR 461.1 to temporarily allow the operation of CARB certified mobile fueler equipped with Phase I vapor recovery system and non-vapor recovery components for dispensing. Additionally, when CARB certifies at least two mobile fuelers equipped with a Phase II vapor recovery system, PR 461.1 allows up to 60 months for owners and operator to purchase or certify CARB certified mobile fuelers equipped with Phase I and Phase II vapor recovery systems.

**Britney Gallivan**

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**From:** Cheryl Atkinson <cheryl.atkinson.pfcma@gmail.com>  
**Sent:** Wednesday, November 10, 2021 10:05 AM  
**To:** Britney Gallivan  
**Subject:** [EXTERNAL]Portable Fuel Container capacity  
**Attachments:** F0852-19.pdf

Hi Brittany

I did finally find the CARB rulemaking for PFCs and it does go up to 10 gallons. I have attached for your information ASTM F852 which is a CARB reference (in the certification procedure CP 501). The capacity limit of a PFC is specified in section 4.3

Thank you  
Cheryl

**§ 2467.2. Certification Procedure for Portable Fuel Container Systems.**

(a) Except as provided in section 2467.3, every portable fuel container system or its components produced on or after July 1, 2007, that are manufactured for sale, advertised for sale, sold, or offered for sale in California or that are introduced, delivered, or imported into California for introduction into commerce and that are subject to any of the standards prescribed in this article and documents incorporated by reference therein, must be certified for use and sale by the manufacturer through the Air Resources Board and covered by an Executive Order issued pursuant to section 2467.2(b) or (c).



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**Responses to Cheryl Atkinson Email, submitted 11/10/21**

See Response 3.



November 11, 2021

Ms. Susan Nakamura  
 Assistant Deputy Executive Officer – Planning, Rule Development & Area Sources  
 South Coast Air Quality Management District

Mr. Neil Fujiwara  
 Program Supervisor  
 South Coast Air Quality Management District

Britney Gallivan  
 AQ Specialist  
 South Coast Air Quality Management District

Via email: [snakamura@aqmd.gov](mailto:snakamura@aqmd.gov), [bgallivan@aqmd.gov](mailto:bgallivan@aqmd.gov), [nfujiwara@aqmd.gov](mailto:nfujiwara@aqmd.gov)

**SUBJECT: Transfer Flow Inc.'s Public Comments regarding SCAQMD's Proposed Amended Rule 461, Proposed Rule 461.1, Proposed Amended Rule 219, and Proposed Amended Rule 222**

Transfer Flow Inc. is pleased to offer our comments to the South Coast Air Quality Management District regarding SCAQMD's proposed amended rule 461, proposed rule 461.1, proposed amended rule 219, and proposed amended rule 222.

Transfer Flow has been in business since 1983 and is a manufacturer of California legal aftermarket fuel tanks. Transfer Flow holds over 280 California Air Resource Board (CARB) Executive Orders (E.O.s) as well as a Department of Transportation (DOT) permit. Transfer Flow has undergone great lengths to ensure our aftermarket fuel tanks and fuel system products are both legal and safe. As the industry's leading California legal aftermarket fuel tank manufacturer, Transfer Flow is a knowledgeable and proficient voice within the industry. Transfer Flow has and will continue to participate in the rulemaking process.

Our comments are as follows:

**I. REQUEST FOR AN EXTENSION OF THE COMMENT PERIOD**

Transfer Flow respectfully requests that the South Coast Air Quality Management District consider granting an extension for submitting comments. The proposed rule language was made available to the public on October 22<sup>nd</sup>, 2021. The public comment period was not announced until October 27<sup>th</sup>, 2021 and ends November 10<sup>th</sup>, 2021. This only provides fifteen days to review three proposed amended rules, one proposed rule, and the staff report

Comment  
7-1

1444 Fortress Street, Chico, CA 95973 | (530) 893-5209 | (800) 442-0056 | fax (530) 893-0204 | [www.TransferFlow.com](http://www.TransferFlow.com)



as well as to prepare a response. Given the complexity of the proposed rule and amended rules, a two-week time-period for comments is not sufficient time to develop substantive comments regarding the proposed rule and amended rules.

Comment

7-

1 Cont.

## **II. SCAQMD'S RULEMAKING ACTIVITY IS OVERREACHING**

Between 2008 to 2012, the California Air Resources Board (CARB) performed a battery of tests regarding metal gasoline transfer tanks including multiple 7-day diurnal SHED (sealed housing evaporative determination) tests, thermal cycling tests, and a 140-day preconditioning test and it was determined by CARB's Air Quality Planning and Science Division that Transfer Flow's metal transfer tanks do not create enough emissions for CARB to regulate metal transfer tanks. This is consistent with the Code of Federal Regulations (CFR) Title 40 Protection of the Environment §1060.103(f) and §1060.240(d)(2) in that metal fuel tanks do not permeate and are therefore exempt from needing to submit applications for certification.

Comment

7-

2

## **III. SCAQMD CANNOT REQUIRE CP-204 CERTIFICATION FOR METAL TRANSFER TANKS UNDER 120-GALLON CAPACITY BECAUSE CP-204 DOES NOT APPLY TO TANKS UNDER 120-GALLONS.**

California Air Resources Board Vapor Recovery Certification Procedure CP-204 is a certification procedure for vapor recovery systems of cargo tanks. The definitions for CP-204 are found in D-200 Definitions for Vapor Recovery Procedures. D-200 Definitions for Vapor Recovery Procedures defines Cargo Tank as "and container, including associated pipes and fittings, that is used for transportation of gasoline on any highway and is required to be certified in accordance with Section 41962 of the California Health and Safety Code." Section 41962 of the California Health and Safety Code states "The performance standards and test procedures adopted by the state board shall be consistent with the regulations adopted by the Commissioner of the California Highway Patrol and the State Fire Marshal pursuant to Division 14.7(commencing with Section 34001) of the Vehicle Code." Section 34003 of the California Vehicle Code defines Cargo tank as "having a volumetric capacity in excess of 120 gallons that is used for the transportation of flammable liquids or combustible liquids." SCAQMD is wrong to prescribe CP-204 certification for metal gasoline transfer tanks because the test does not apply to tanks under 120-gallons. If a person or entity were to apply for CP-204 certification for a tank under 120-gallons they would be denied as the certification procedure is only applicable to cargo tanks as defined as having a capacity over 120-gallons.

Comment

7-3

## **IV. SCAQMD CANNOT REQUIRE METAL GASOLINE TRANSFER TANKS TO BE INSTALLED BY A LICENSED INSTALLER BECAUSE SUCH LICENSURE DOES NOT EXIST.**

Comment

7-4



SCAQMD claims that the International Code Council provides relevant certifications for the installation of metal gasoline transfer tanks, and this is false. SCAQMD claims that manufacturers develop training programs, but Transfer Flow is a manufacturer of metal gasoline transfer tanks and Transfer Flow is confident that no such certification exists for the installation of our tanks.

Comment

7-

4 Cont.

In closing, Transfer Flow is grateful for the opportunity to comment on the proposed rule and proposed amended rules. Please feel free to contact us with any questions regarding our comments.

Sincerely,

Laurel Moorhead, E.I.T.  
Regulatory Compliance Engineer  
Transfer Flow Inc.

**Responses to Transfer Flow Inc. Comment Letter, submitted 11/11/21**

- 7-1 Response: Staff provided a response to Transfer Flow extending the comment period to Wednesday, November 17, 2021 via email. Additionally, staff is open to discuss, respond to questions, or take comments during the rule development process.
- 7-2 Response: Staff disagrees that metal fuel tanks do not permeate and therefore exempt from needing to submit applications for certification. Compliance with the fuel permeation standard of Code of Federal Regulations Title 40 Protection of the Environment §1060.103(f) does not demonstrate that specified and fuel caps do not leak. Additionally, compliance with a fuel tank permeation standard does not mean that a metal fuel tank meets any emission standards for the transfer or dispensing of gasoline.
- 7-3 Response: Staff disagrees that CARB is required to deny an application for certification of a tank under 120-gallons. California Health and Safety Code § 41962 does not prohibit application of CP-204 (Certification Procedures for Vapor Recovery Systems of Cargo Tanks) to tanks less than 120 gallons. This is evidenced by CP-204 containing performance standards and test procedures applicable to tanks with a capacity less than 120 gallons, including two tables that list a cargo tank range of either “999 or less” or “between 0 to 999 gallons.”
- 7-4 Response: Staff has modified the requirements in paragraphs (i)(3) and (i)(4) for the installer or contractor to complete applicable manufacturer’s certification and applicable International Code Council (ICC) program prior to installing, altering, repairing, or replacing CARB certified control equipment. Therefore, the installer or contractor would only be required to obtain the certification if one is available. Manufacturers may wish to develop certification training programs to ensure that their equipment is repaired to manufacturer specification demonstrated by completing a certification program. Additionally, staff has modified the recordkeeping requirements in subparagraph (k)(9)(G) to only maintain records of applicable manufacturer training and any applicable state certification program.

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Members of the Stationary Source Committee  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765-4178

Dear Committee Members:

We are members of the [Californians for Smart Fueling](#) coalition, a group of organizations and individuals that advocate for the needs of more than 60 million people with disabilities. Our members represent thousands of individuals in America currently living with a disability. We view the growth of mobile fueling as essential to providing equitable access to refueling for drivers with disabilities, which we consider a basic need.

We are very pleased that South Coast AQMD is moving forward with the proposed rule amendments for Rule 461.1. The amendments will allow for more robust mobile fueling operations throughout the Los Angeles basin. We do want to bring attention, however, to a part of the proposal that we believe represents an unnecessary burden that will disproportionately impact the mobility disability community.

The proposal currently requires three different types of permitting/registration: mobile fueler permitting, site permitting, and site owner/operator permitting. It is our strong belief that these bureaucratic requirements will only serve as barriers to the expansion of responsible mobile fueling. In particular, the permit requirement for site owner/operator will likely be a significant impediment to more mobile fueling options.

As you may know, mobile fuelers sometimes hold ad-hoc mobile fueling events at pop-up locations that are intended specifically for drivers with disabilities. These events may be held for just a couple of hours in one day. It can be difficult enough just to find a location that is suitable for these types of events, and as you may know, there are already significant permitting or other requirements from fire regulators. Requiring a site owner or manager to engage with AQMD, a regulatory agency that they might not even be aware of, will likely cause well-intentioned partners to decline to allow these types of operations on their site.

In every other jurisdiction where mobile fueling is allowed, there is no corresponding requirement. We urge this committee to seek a simpler, more streamlined permitting process in which the mobile fueler has the responsibility to obtain the necessary permits—a process which is working well in every other jurisdiction in the United States where mobile fueling occurs.

Best,

DocuSigned by:  
*Franklin Elieh*  
CA5ADEE29905464...

---

Franklin Elieh, co-founder,  
Northern California Spinal Cord Injury Foundation (NorCal SCI)

DocuSigned by:  
*Jennifer Kumiyama*  
27179C81D55E434

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Jennifer Kumiyama, Advocate

**Responses to Californians for Smart Fueling Comment Letter, submitted 11/22/21**

The proposed rule language for PR 461.1 has been revised to no longer require a Rule 222 registration for a dispensing location. The owner or operator of a dispensing location will only require a South Coast AQMD permit to operate the mobile fueler if the dispensing location is a major source of emissions requiring permits through the South Coast AQMD Title V Program.



November 30, 2021

Honorable Chairman Ben Benoit and Board Members  
South Coast Air Quality Management District

Re: Public Comments Item 2B-- Proposed Amended Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II-- OPPOSE unless amended

Dear SCAQMD Board Members:

Saint Clair Systems, Inc. is involved in the design manufacture of viscosity control equipment for fluid dispensing systems. This includes both solvent based and UV/EB cure applications for various customers, some of whom are located in California. We welcome the opportunity to comment on the proposed amendments to Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II. Unfortunately, our company cannot support the current proposal as it does not take into consideration issues facing the businesses we work with. The current rule treats all coating processes alike regardless of their environmental benefit. UV/EB/LED processes are not formulated with Volatile Organic Compounds (VOCs) or toxics air contaminants. Conversion away from solvent processes benefits the District and your Board has provided incentives in the form of regulatory flexibility through permit exemptions in Rule 219.

According to staff, the current rule language requires a permit for UV/EB/LED operations that are part of operations that also have solvent systems. It is unfair to attribute the emissions of a solvent system to a UV/EB/LED process with zero or near zero emissions simply because they are located within the same facility. This approach discourages facilities who are exploring conversion to UV/EB/LED but are unable to convert the entire facility. Businesses who are willing to invest in clean technologies should be encouraged to do so and saddling with added permit costs will be counterproductive to the District's mission.

We cannot support the rule in its current version because it does not take any of the concerns of our industry into consideration. We ask the Board request that staff add language that would remedy the harm being done to businesses in the South Coast who are looking to partially convert to UV/EB/LED processes. We want to be respectful of staff's recommended priorities. Thus, in the alternative, we ask for a Board resolution to revisit the rule in order to incorporate our proposal, in the first quarter of 2022.

Sincerely,

Michael R. Bonner  
Vice President of Engineering & Technology

12427 31 Mile Road • Washington Township, Michigan • 48095

586.336.0700 • [www.saintclairsystems.com](http://www.saintclairsystems.com)

**Response to Saint Clair Systems Comment Letter, submitted 11/30/21**

See Response 1.

## ATTACHMENT H

### SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

#### **Final Environmental Assessment for Proposed Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations, Proposed Amended Rule 461 – Gasoline Transfer and Dispensing and Proposed Amended Rule 219 – Equipment not Requiring a Written Permit Pursuant to Regulation II**

**December 2021**

**South Coast AQMD Number: 11232021RB**

**State Clearinghouse Number: 2021110387**

#### **Executive Officer**

Wayne Nastri

#### **Deputy Executive Officer**

**Planning, Rule Development and Area Sources**

Sarah Rees, Ph.D.

#### **Assistant Deputy Executive Officer**

**Planning, Rule Development and Area Sources**

Susan Nakamura

#### **Assistant Deputy Executive Officer**

**Planning, Rule Development and Area Sources**

Ian MacMillan

<b>Authors:</b>	Ryan Bañuelos	Air Quality Specialist
	Kevin Ni	Air Quality Specialist
	Kendra Reif	Air Quality Specialist

#### **Technical**

<b>Assistance:</b>	Britney Gallivan	Air Quality Specialist
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#### **Reviewed**

<b>By:</b>	Barbara Radlein	Program Supervisor, CEQA
	Neil Fujiwara	Program Supervisor
	Michael Krause	Planning and Rules Manager, CEQA
	Karin Manwaring	Senior Deputy District Counsel
	Barbara Baird	Chief Deputy Counsel

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT  
GOVERNING BOARD**

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Mayor Pro Tem, Wildomar  
Cities of Riverside County

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Mayor Pro Tem, Yorba Linda  
Cities of Orange County

JANICE RUTHERFORD  
Supervisor, Second District  
County of San Bernardino

**EXECUTIVE OFFICER:**

WAYNE NASTRI

## PREFACE

This document constitutes the Final Environmental Assessment (EA) for Proposed Rule (PR) 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations and Proposed Amended Rule (PAR) 461 – Gasoline Transfer and Dispensing and PAR 219 – Equipment not Requiring a Written Permit Pursuant to Regulation II. A Draft EA was circulated for a 30-day public review and comment period from November 24, 2021 to December 24, 2021 and two comment letters were received during the comment period. The comments and responses relative to the Draft EA are included in Appendix C of this Final EA.

Analysis of the proposed project in the Draft EA indicated that a less than significant increase of VOC and toxic emissions and the associated public health risk from mobile fueling operations would occur. Since no significant adverse impacts were identified, an alternatives analysis and mitigation measures are not required (CEQA Guidelines Sections 15252).

In addition, subsequent to the release of the Draft EA for public review and comment, minor modifications were made to the proposed project. The minor modifications include: 1) the removal of proposed amendments to Rule 222 from the proposed project; 2) rewording and renumbering of rule language; 3) the revision of provisions for clarity; 4) the addition of provisions to PR 461.1 to require a report for the mobile fueler dispensing location; and 5) revised exemption provisions for clarity. To facilitate identification of the changes between the Draft EA and the Final EA, modifications to the document are included as underlined text and text removed from the document is indicated by ~~striketrough text~~. To avoid confusion, minor formatting changes are not shown in underline or striketrough mode.

Subsequent to the release of the Draft EA for public review and comment, modifications were made to the proposed project and some of the revisions were made in response to verbal and written comments received during the rule development process. Staff has reviewed the modifications to the proposed project and concluded that none of the revisions constitute significant new information, because: 1) no new significant environmental impacts would result from the project; and 2) the Draft EA did not deprive the public from meaningful review and comment. In addition, revisions to the proposed project in response to verbal or written comments during the rule development process would not create new, unavoidable significant effects. As a result, these revisions to the Draft EA merely clarify, amplify, or make insignificant modifications which do not require recirculation of the Draft EA pursuant to CEQA Guidelines Sections 15073.5 and 15088.5. Therefore, the Draft EA has been revised to include the aforementioned modifications such that it is now the Final EA for PR 461.1, PARs 461 and 219.

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## **CHAPTER 1**

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### **PROJECT DESCRIPTION**

**Introduction**

**California Environmental Quality Act**

**Project Location**

**Project Background**

**Technology Overview**

**Project Description**

## INTRODUCTION

The California Legislature created the South Coast Air Quality Management District (South Coast AQMD) in 1977<sup>1</sup> as the agency responsible for developing and enforcing emission control rules and regulations in the South Coast Air Basin (Basin) and portions of the Salton Sea Air Basin and Mojave Desert Air Basin. By statute, the South Coast AQMD is required to adopt an air quality management plan (AQMP) demonstrating compliance with all federal and state ambient air quality standards for the areas under the jurisdiction of the South Coast AQMD<sup>2</sup>. The AQMP is a regional blueprint for how the South Coast AQMD will achieve air quality standards and healthful air; it contains multiple goals promoting reductions of criteria air pollutants, greenhouse gases (GHGs), and toxic air contaminants (TACs)<sup>3</sup>.

The South Coast AQMD has adopted regulations, each with individual rules, that carry out the AQMP<sup>4</sup>. For example, Regulation II – Permits specifies what sources must have a permit to operate, but also includes Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II which identifies equipment, processes, or operations that emit small amounts of air contaminants and therefore are exempt from permit requirements. Regulation IV – Prohibitions establishes requirements for certain operations regardless of industry, while Regulation XI – Source Specific Standards establishes requirements for equipment- and industry-specific emission sources. Regulation XIII – New Source Review prescribes requirements for new emission sources that must be met before any permit is issued, and Regulation XIV – Toxics and Other Non-Criteria Pollutants establishes requirements for sources of TACs.

Gasoline transfer and dispensing operations are regulated by both California Air Resources Board (CARB) and South Coast AQMD. CARB has established performance standards and certification procedures for vapor recovery systems for gasoline marketing operations. CARB certifies the equipment and South Coast AQMD requires the use of CARB-certified equipment to meet rule requirements. South Coast AQMD Rule 461 – Gasoline Transfer and Dispensing, for example, applies to the transfer of gasoline from any tank truck, trailer, or railroad tank car into any stationary storage tank or mobile fueler; and from any stationary storage tank or mobile fueler into any mobile fueler or motor vehicle fuel tank; and requires CARB certified vapor recovery systems and components.

In addition to Rule 461, the following South Coast AQMD rules also apply to gasoline transfer and dispensing operations which emit Volatile Organic Compounds (VOC), a criteria air pollutant, and TACs such as benzene, ethyl benzene, and naphthalene:

- Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II; and
- Rule 1401 – New Source Review of Toxic Air Contaminants.

Previous rule development efforts and amendments to Rule 461 thus far have focused on retail stationary fueling facilities. Further, Rule 219(m)(9) currently exempts mobile fuelers with a cumulative capacity of <251 gallons, provided that the operation meets Rule 219(s)(2)(A) which requires the health risk to be below the thresholds in Rule 1401. However, with the emergence of

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<sup>1</sup> The Lewis-Presley Air Quality Management Act, 1976 Cal. Stats., ch. 324 (codified at Health and Safety Code Section 40400-40540).

<sup>2</sup> Health and Safety Code Section 40460(a).

<sup>3</sup> South Coast AQMD, Final 2016 Air Quality Management Plan, March 2017. <https://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan/final-2016-aqmp>

<sup>4</sup> Health and Safety Code Section 40440(a).

mobile fueling on-demand (MFOD) services in the gasoline delivery industry, South Coast AQMD staff recognized that additional rule development efforts were necessary to ensure that public health is protected since MFOD operations result in the same types of fueling emissions as retail stationary fueling facilities but with additional vehicular emissions from mobile fueler truck trips and idling, which cause criteria air pollutant emissions of VOC, NO<sub>x</sub>, and CO, and TAC as diesel particulate matter (PM).

As such, South Coast AQMD staff developed Proposed Rule (PR) 461.1 with the goal of minimizing emissions of VOC and TACs from mobile fueling operations through establishing requirements applicable to: 1) an owner or operator of a mobile fueler conducting retail or non-retail mobile fueling operations; ~~2) an owner or operator of dispensing locations where mobile fuelers operate;~~ and 3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture CARB-certified control equipment or the associated components thereof.

In addition, amendments to Rule 461 are proposed that would remove specific provisions pertaining to the requirements and emission control equipment associated with mobile fueling operations since these requirements are included in PR 461.1.

Further, amendments to Rule 219 are proposed that will remove mobile fuelers from the existing exemption in paragraph (m)(9) and will add two separate exemptions for retail and non-retail mobile fuelers in with the new lower cumulative capacity mobile fueler thresholds from PR 461.1. Additionally, mobile fuelers that were previously exempt will be exempt until July 1, 2022 to give owners time to obtain permits. ~~Finally, amendments to Rule 222 are proposed that would establish registration requirements for retail mobile fueler gasoline dispensing locations to ensure that multiple mobile fueler companies would not create a health risk that would exceed the thresholds established by Rule 1401.~~

Implementation of the proposed project is expected to result in less than significant increases of VOC, NO<sub>x</sub>, and CO, and TAC emissions with associated public health risk from mobile fueling operations.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The California Environmental Quality Act (CEQA), California Public Resources Code Section 21000 *et seq.*, requires that all potentially significant, adverse environmental impacts of proposed projects be evaluated and methods to reduce or avoid identified significant adverse impacts of these projects be implemented, if feasible. The purpose of the CEQA process is to inform the South Coast AQMD Governing Board, public agencies, and interested parties of potential adverse environmental impacts that could result from implementing the proposed project and to identify feasible mitigation measures or alternatives when an impact is significant.

Public Resources Code Section 21080.5 allows public agencies with regulatory programs to prepare a plan or other written documents in lieu of a negative declaration or environmental impact report once the secretary of the resources agency has certified the regulatory program. The South Coast AQMD's regulatory program was certified by the secretary of resources agency on March 1, 1989 (CEQA Guidelines Section 15251(l)). In addition, the South Coast AQMD adopted Rule 110 – Rule Adoption Procedures to Assure Protection and Enhancement of the Environment, which implements the South Coast AQMD's certified regulatory program. Under the certified regulatory program, the South Coast AQMD typically prepares an Environmental Assessment

(EA) to evaluate the environmental impacts for rule projects proposed for adoption or amendment. The EA is also a public disclosure document intended to: 1) provide the lead agency, responsible agencies, decision makers and general public with information on the environmental impacts of the proposed project; and, 2) be used as a tool by decision makers to facilitate decision making on the proposed project.

CEQA Guidelines Section 15187 requires the South Coast AQMD to perform an environmental analysis when proposing to adopt a new rule or regulation requiring the installation of air pollution control equipment, or establishing a performance standard, which is the case with the proposed project. CEQA Guidelines Section 15187 requires the environmental analysis to include at least the following information:

- An analysis of reasonably foreseeable environmental impacts of the methods of compliance;
- An analysis of reasonably foreseeable mitigation measures relating to significant environmental impacts; and
- An analysis of reasonably foreseeable alternative means of compliance with the rule or regulation, which would avoid or eliminate any identified significant environmental impacts.

The proposed adoption of PR 461.1 and proposed amendments to Rules 461, ~~and 219, and 222~~ are a discretionary action subject to South Coast AQMD Governing Board consideration that has the potential for resulting in changes to the environment, and therefore, is considered a “project” as defined by CEQA (CEQA Guidelines Section 15378). The lead agency is the “public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect upon the environment” (Public Resources Code Section 21067). Since the South Coast AQMD Governing Board has the primary responsibility for approving and carrying out the entire project as a whole, the South Coast AQMD is the most appropriate public agency to act as lead agency for the proposed project (CEQA Guidelines Section 15051(b)).

In analyzing the potential environmental impacts as required by CEQA Guidelines Section 15187 (see Chapter 2 of this EA), the type of CEQA document appropriate for the proposed project is an Environmental Assessment (EA) with no significant impacts. The EA is a substitute CEQA document, which the South Coast AQMD, as lead agency for the proposed project, prepared in lieu of a Negative Declaration with no significant impacts (CEQA Guidelines Section 15252), pursuant to the South Coast AQMD’s Certified Regulatory Program (Public Resources Code Section 21080.5, CEQA Guidelines Section 15251(1); South Coast AQMD Rule 110).

The EA includes a project description in Chapter 1 and an Environmental Checklist in Chapter 2. The Environmental Checklist provides a standard tool to identify and evaluate a proposed project’s adverse environmental impacts and the analysis concluded that no significant adverse impacts would be expected to occur if the proposed project is implemented. Because the proposed project would have no statewide, regional, or areawide significance, no CEQA scoping meeting is required to be held pursuant to Public Resources Code Section 21083.9(a)(2). Further, pursuant to CEQA Guidelines Section 15252, since no significant adverse impacts were identified, no alternatives or mitigation measures are required.

The Draft EA ~~has been~~ was released for a 30-day public review and comment period from November 24, 2021 to December 24, 2021. ~~All~~ Two comment letters were received during the

public comment period on the analysis presented in the Draft EA; the comment letters and the responses are ~~will be responded to and included in an a~~Appendix C to theof this Final EA.

Subsequent to the release of the Draft EA for public review and comment, modifications were made to the proposed project and some of the revisions were made in response to verbal and written comments received during the rule development process. South Coast AQMD staff has reviewed the modifications to the proposed project after the release of the Draft EA for the 30-day public review and comment period and updated the CEQA analysis accordingly. None of the revisions: 1) constitute significant new information; 2) constitute a substantial increase in the severity of an environmental impact; or, 3) provide new information of substantial importance relative to the Draft EA. In addition, revisions to the proposed project in response to verbal or written comments during the rule development process would not create new, avoidable significant effects. As a result, these revisions do not require recirculation of the Draft EA pursuant to CEQA Guidelines Sections 15073.5 and 15088.5. Therefore, the Draft EA has been revised to include the aforementioned modifications such that is now the Final EA for the proposed project.

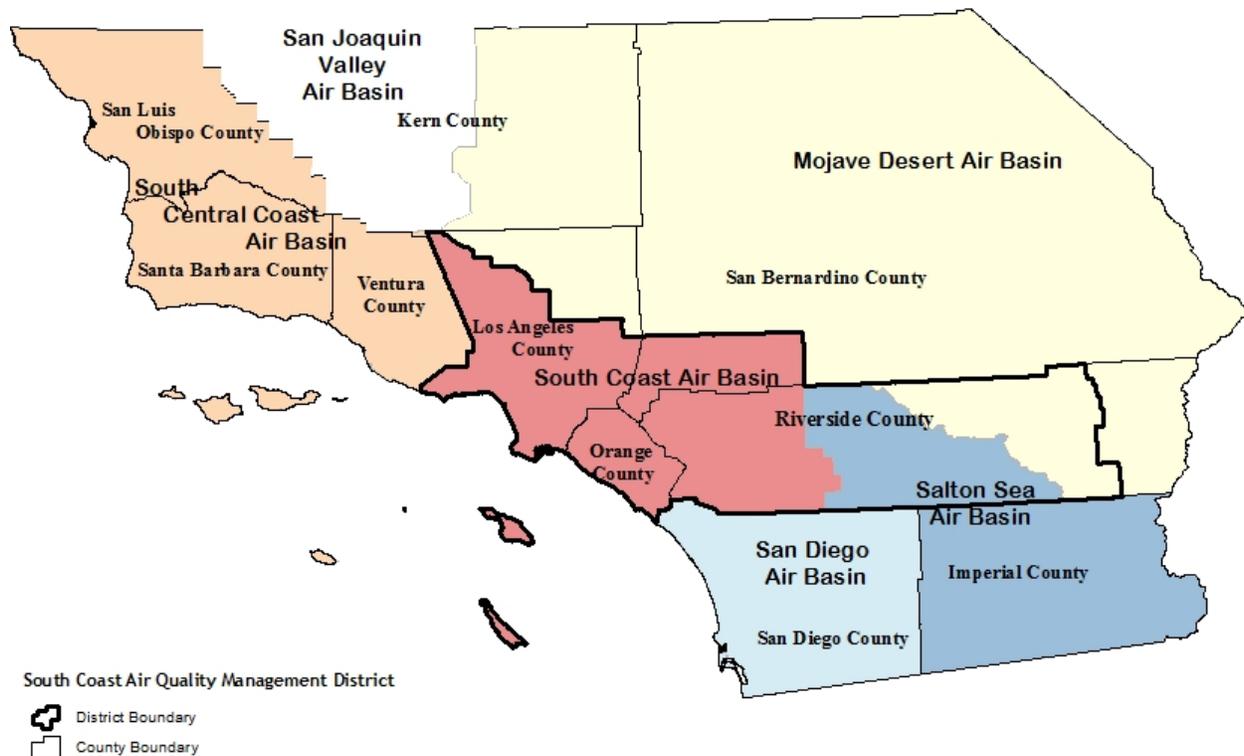
Prior to making a decision on the adoption of the proposed project, the South Coast AQMD Governing Board must review and certify the Final EA as providing adequate information on the potential adverse environmental impacts that may occur as a result of adopting PR 461.1 and amending Rules 461 ~~and~~, 219, ~~and~~ 222.

## **PROJECT LOCATION**

The proposed project applies to the owners or operators of mobile fuelers that conduct retail or non-retail operations, ~~to owners or operators of dispensing locations where mobile fuelers operate,~~ and to any person that installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacturers CARB-certified control equipment or the associated components thereof.

As illustrated in Figure 1-1, the South Coast AQMD has jurisdiction over an area of approximately 10,743 square miles, which includes the four-county South Coast Air Basin (all of Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino counties), and the Riverside County portion of the Salton Sea Air Basin and the non-Palo Verde, Riverside County portion of the Mojave Desert Air Basin. The South Coast Air Basin is a subarea of South Coast AQMD's jurisdiction and is bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto mountains to the north and east. The Riverside County portion of the Salton Sea Air Basin is bounded by the San Jacinto Mountains in the west and spans eastward up to the Palo Verde Valley. A federal nonattainment area (known as the Coachella Valley Planning Area) is a subregion of Riverside County and the Salton Sea Air Basin and is bounded by the San Jacinto Mountains to the west and the eastern boundary of the Coachella Valley to the east.

**Figure 1-1**  
**Southern California Air Basins and South Coast AQMD’s Jurisdiction**



## PROJECT BACKGROUND

Gasoline transfer and dispensing operations are regulated by both CARB and South Coast AQMD. CARB has established performance standards and certification procedures for vapor recovery systems for gasoline marketing operations. CARB certifies the equipment and South Coast AQMD requires the use of CARB-certified equipment to meet rule requirements. Gasoline transfer and dispensing operations in the South Coast AQMD’s jurisdiction are regulated through Rule 461. Rule 461 was originally adopted by the South Coast AQMD on January 9, 1976 and focuses primarily on stationary retail gasoline dispensing facilities through requirements for vapor recovery systems that are tested and certified by CARB.

CARB-certified Phase I and Phase II vapor recovery systems are the existing standard emissions control equipment for gasoline transfer and dispensing operations for both stationary and mobile fueling operations subject to Rule 461. Rule 461 has required CARB-certified Phase II vapor recovery systems since 1995 for both stationary gasoline dispensing facilities and mobile fuelers that dispense gasoline which is consistent with the requirements in Health and Safety Code Section 41954(g)(3) which states, “any stricter procedures or performance standards shall not be implemented until at least two systems meeting the stricter performance standards have been certified by the state board.”

The current version of Rule 461 does not contain requirements specific to small mobile fuelers with tanks less than 120 gallons which means that if any are currently operating, they are not required to have a South Coast AQMD air permit and are not required to be equipped with a vapor

recovery system. Small mobile fuelers have been operating in limited non-retail function. As small mobile fuelers were not subject to either permitting or rule requirements, small mobile fuelers could be operating at locations that have not been evaluated for emissions and health risk to sensitive receptors. For this reason, emissions from retail gasoline mobile fueling operations need to be evaluated and permitted to prevent exceedance of the health risk thresholds in Rule 1401 for at each any dispensing location to prevent exceedances of the health risk thresholds in Rule 1401. When compared to stationary gasoline dispensing facilities that comply with Rule 461, retail mobile fuelers not equipped with Phase I vapor recovery system and Phase II vapor recovery system have higher emissions per gallon of gasoline dispensed. In addition, emissions from loading increase when mobile fuelers are not equipped with a Phase I vapor recovery system. Similarly, emissions from dispensing are greater for mobile fuelers that are not equipped with a Phase II vapor recovery system. Finally, when gasoline is stored in aboveground storage tanks, the tanks are typically designed to have a reflective exterior which results in a lower tank temperature and thus lower evaporative emissions than a mobile fueler without a Phase I vapor system and Phase II vapor recovery system, since the gasoline storage tanks are not always insulated and are typically painted with a darker or non-reflective exterior.

Regulating mobile fueling operations presents a unique challenge relative to the established regulatory framework for stationary gasoline dispensing facilities because the location where a mobile fueler will distribute gasoline varies by day, time, and facility. Existing regulations applicable to mobile fuelers dispensing gasoline via CARB-certified non-vapor recovery components but that are not equipped with a Phase II vapor recovery system are further complicated by the difficulty in verifying that each motor vehicle receiving the fuel must be equipped with an Onboard Refueling Vapor Recovery (ORVR) system. Historically, the process of verifying ORVR status has been a compliance challenge for regulators. In addition, tracking the amount of fuel transferred into a mobile fueler and dispensed into vehicles for regulatory purposes is a further challenge.

To address these historical compliance challenges unique to mobile fueling operations, PR 461.1 proposes specific requirements to restrict opening of the cargo tank dome hatch, and includes additional monitoring, recordkeeping, and reporting requirements in addition to the requirements already included in Rule 461.

Another challenge associated with regulating mobile fueling operations are the variables with the evaluation of health risk since mobile fuelers can visit multiple locations and some retail mobile fuelers are not equipped with vapor recovery systems. For comparison, the health risk evaluation for stationary gasoline dispensing facilities (gas station), is based on dispensing equipment fitted with mandatory vapor recovery systems operating at one fixed location and is part of the South Coast AQMD permit process to ensure that facility emissions do not pose a health risk to nearby sensitive receptors.

A visual overview of the existing mobile fueling regulations as applicable to various mobile fueling systems and Rule 461 regulatory applicability are shown in Tables 1-1 and 1-2.

**Table 1-1  
Regulatory Gap for Mobile Fuelers**

Mobile Fueling System	Cumulative Capacity (Gallons)	Requires a South Coast AQMD Permit to Operate?	Regulatory Gap
 1 Phase I and Phase II Cab and Chassis Truck with Cargo Tank	300 - 4,000	Yes	None
 2 Phase I Cab and Chassis Truck with Cargo Tank	≥ 1,200	Yes	Permit required, but cannot be issued for retail fueling since it is not allowed under Rule 461
 3 Pickup Truck with Tanks	< 251 <sup>1</sup>	No	Not required to be permitted and Rule 461 does not currently apply to this equipment

<sup>1</sup> Each individual tank is ≤ 120 gallons

**Table 1-2  
Mobile Fueler Rule 461 Regulatory Applicability**

Mobile Fueling System	Cumulative Capacity (Gallons)	Allowed in Rule 461	
		Non-Retail	Retail
 1 Phase I and Phase II Cab and Chassis Truck with Cargo Tank	300 - 4,000	Allowed	Allowed
 2 Phase I Cab and Chassis Truck with Cargo Tank	≥ 1,200	Allowed	Not Allowed
 3 Pickup Truck with Tanks	< 251 <sup>1</sup>	Unregulated	Unregulated

<sup>1</sup> Each individual tank is ≤ 120 gallons

South Coast AQMD staff was tasked to pursue rulemaking that establishes operational and permit requirements to address the absence of existing regulations specific to retail mobile fueling operations and to reduce the associated public health impacts from mobile fueling activities. For these reasons, South Coast AQMD staff developed the approach to regulate mobile fueling operations in PR 461.1 and amend Rule 461 to limit its applicability to stationary gasoline transfer and dispensing facilities. The objective of PR 461.1 is to reduce VOC and TAC emissions from mobile fueling operations that occur from the transfer, storage, and dispensing of gasoline. To address the regulatory gap for mobile fuelers, PR 461.1 proposes to require a permit and a health risk assessment for mobile fuelers operating at retail dispensing locations. As part of the rulemaking process, Rules 219 and 222 are is proposed to be amended to modify permit requirements for previously exempt mobile fuelers and dispensing locations as well as require registration for dispensing locations used for retail mobile fueling operations.

## TECHNOLOGY OVERVIEW

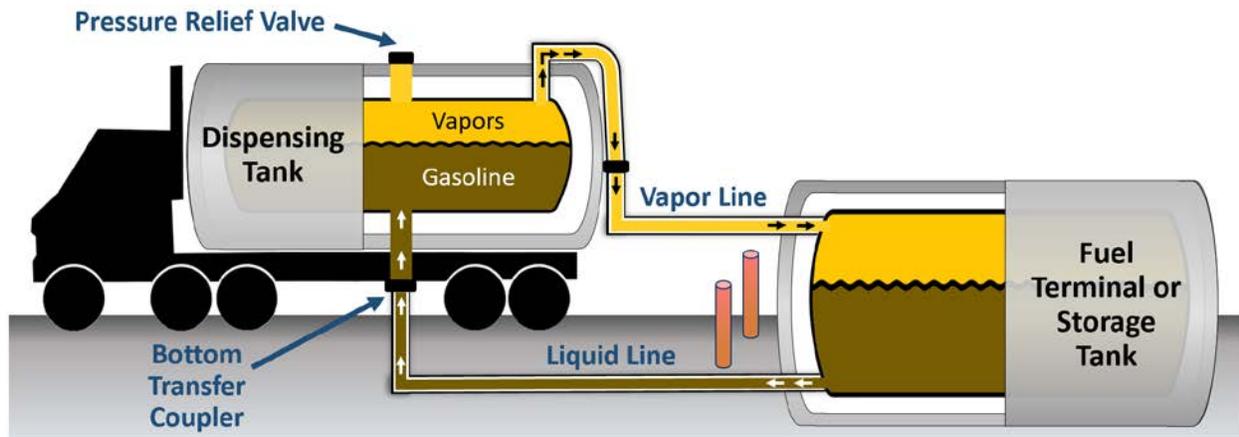
The following discussion provides a general overview of the technologies associated with mobile fueling operations.

### Phase I and Phase II Vapor Recovery Systems

#### **Phase I Vapor Recovery System for a Mobile Fueler**

A Phase I vapor recovery system is installed on a mobile fueler cargo tank for the collection and recovery of gasoline vapors displaced or emitted during the transfer of gasoline into and out of a mobile fueler cargo tank from a fuel terminal or storage tank, except when dispensing. Figure 1-2 depicts the loading of gasoline into a mobile fueler equipped with a Phase I vapor recovery system. A mobile fueler with Phase I vapor recovery is loaded from the bottom of the tank (referred to as bottom loading) to reduce splashing of the fuel which can increase vapors. In general, cargo tanks on mobile fuelers are filled either at a bulk loading terminal or from a stationary storage tank.

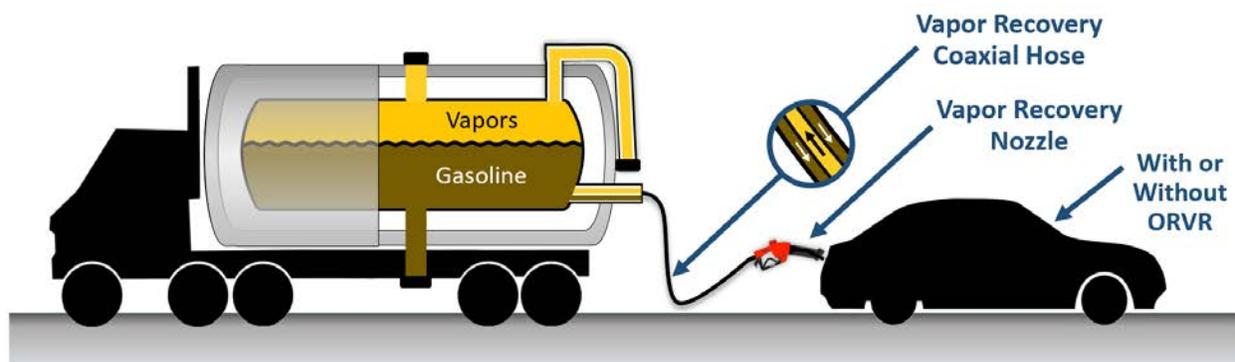
**Figure 1-2**  
**Mobile Fueler CARB-Certified Phase I Vapor Recovery System**



#### **Phase II Vapor Recovery System for a Mobile Fueler**

A Phase II vapor recovery system is installed on a mobile fueler cargo tank for the collection and recovery of gasoline vapors displaced or emitted during the dispensing of gasoline from a mobile fueler cargo tank into a motor vehicle fuel tank. There are two types of Phase II vapor recovery dispensing equipment. A vacuum assist Phase II vapor recovery system dispenses gasoline through the exterior of the coaxial hose and utilizes a vacuum-producing device to create a vacuum to draw vapors back into the cargo tank through the interior of the coaxial hose. A balance Phase II vapor recovery system, not currently CARB-certified for mobile fuelers at the time of this rulemaking, dispenses gasoline through the interior of the coaxial hose and utilizes the principle of vapor displacement to draw vapors back into the cargo tank through the exterior of the coaxial hose. Figure 1-3 depicts a mobile fueler which is equipped with a Phase II vapor recovery system with a vacuum assist coaxial hose dispensing gasoline into a motor vehicle fuel tank.

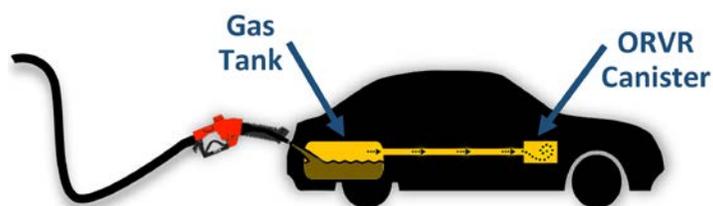
**Figure 1-3**  
**Mobile Fueler CARB-Certified Phase II Vapor Recovery System**



### Other Vapor Controls

Onboard Refueling Vapor Recovery (ORVR) is designed for on-road motor vehicles to control gasoline vapors during the filling of the motor vehicle gas tank as shown in Figure 1-4. Key characteristics of ORVR include: a narrow fill tube, valve to prevent vapors from returning to the fill tube, a carbon canister, and design features that allow displaced gasoline vapors to flow into the carbon canister. ORVR systems were introduced for 1998 model year motor vehicles and are now required on all new cars and trucks. ORVR is mandated by Title 13 of the California Code of Regulations (CCR), Section 1978 and 40 Code of Federal Regulations (CFR) Part 86. The ORVR phase-in period for passenger vehicles, light duty truck, and medium duty vehicles (up to 8500 pounds gross vehicle weight rating) was already scheduled to meet 100 percent of fleets by 2006. ORVR systems must meet the regulatory standard of 95 percent control efficiency<sup>5</sup>. While ORVR is effective in controlling emissions, some vehicles older than 1998, and still operating, may not be equipped with ORVR because the requirement to equip ORVR systems was phased in. While ORVR has been demonstrated to be effective in controlling emissions, there are still many older cars without ORVR being operated on public roads and highways.

**Figure 1-4**  
**Onboard Refueling Vapor Recovery**



<sup>5</sup> Environmental Protection Agency. (1994, April 6). *Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Refueling Emission Regulations for Light-Duty Vehicles and Light-Duty Trucks*. Federal Register. <https://www.govinfo.gov/content/pkg/FR-1994-04-06/html/94-4752.htm>

**Mobile Fuelers**

**Model 1 Mobile Fueler – Phase I and Phase II Vapor Recovery System**

Model 1 mobile fuelers have been issued a CARB executive order which includes CARB-certified Phase I and Phase II vapor recovery systems. Rule 461 currently allows Model 1 mobile fuelers for retail and non-retail dispensing of gasoline into motor vehicles. The majority of currently permitted mobile fuelers are Model 1. At this point in time when the EA is being written, there ~~is only one known~~ are two Model 1 mobile fuelers that ~~has~~ have been issued a CARB executive orders with CARB-certified Phase I and Phase II vapor recovery systems, however, ~~these~~ is mobile fuelers ~~are not~~ is currently commercially ~~un~~ available for new purchases within South Coast AQMD’s jurisdiction.

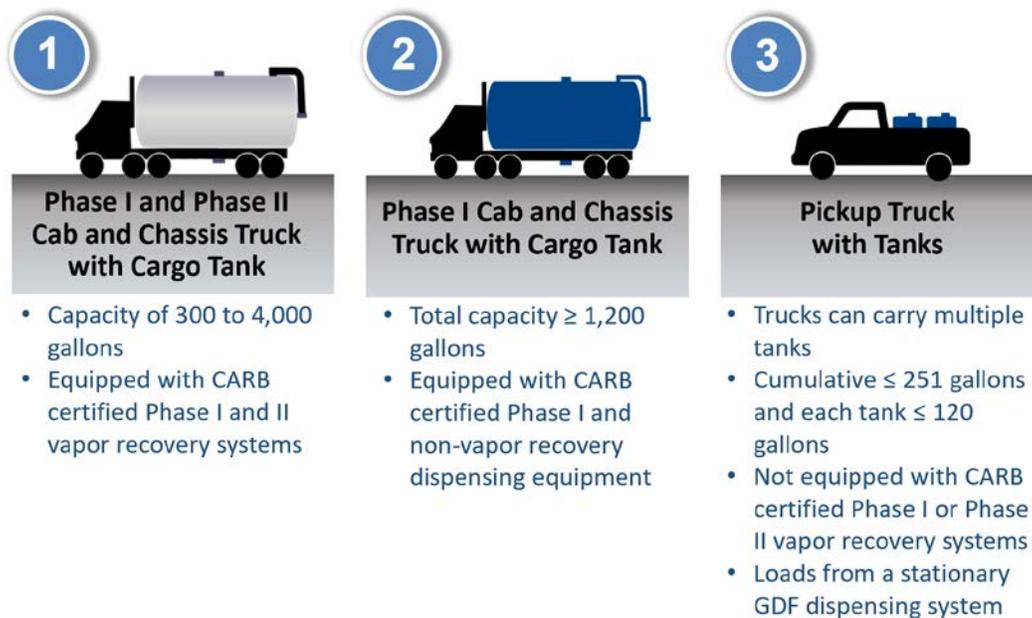
**Model 2 Mobile Fueler – Phase I Vapor Recover and No Phase II Vapor Recovery**

Model 2 mobile fuelers have been issued a CARB executive order which includes a CARB-certified Phase I vapor recovery system, but does not include a Phase II vapor recovery system. Rule 461 currently allows Model 2 mobile fuelers for non-retail dispensing of gasoline into ORVR equipped motor vehicles. Rule 461 does not allow Model 2 mobile fuelers for retail dispensing of gasoline.

**Model 3 Mobile Fueler – No Phase I and No Phase II**

Model 3 mobile fuelers have not been issued a CARB executive order and are not equipped with Phase I or Phase II vapor recovery systems. Rule 461 does not allow Model 3 mobile fuelers to fuel motor vehicles if the cumulative gasoline storage capacity is greater than 251 gallons or if an individual tank is greater than 120 gallons. Model 3 mobile fuelers with cumulative gasoline storage that is less than the capacities listed above are unregulated by the vapor recovery requirements of Rule 461 and exempt from South Coast AQMD permitting requirements.

**Figure 1-5  
Mobile Fueler Model Categories**



**PROJECT DESCRIPTION**

The proposed project is comprised of PR 461.1 and PARs 461, ~~and 219 and 222.~~ The following discussion provides a summary of the key elements contained in PR 461.1, and PARs 461, ~~and~~

219 and 222. Appendix A of this EA contains a draft rule language of PR 461.1 and PARs 461 and 219, and 222.

### **PR 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations**

PR 461.1 has been developed to minimize emissions of VOC and TACs from mobile fueling operations through establishing requirements applicable to: 1) an owner or operator of a mobile fueler conducting retail or non-retail mobile fueling operations; ~~2) an owner or operator of dispensing locations where mobile fuelers operate;~~ and ~~3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufactures CARB-certified control equipment or the associated components thereof.~~

The exact number of mobile fueling owners or operators is unknown at the time of this rulemaking because the South Coast AQMD does not currently have a procedure or process that records the amount of previously exempt mobile fuelers operating in the South Coast AQMD jurisdiction. As facilities become interested in conducting retail mobile fueling on their associated site, those facilities would be subject to the registration requirements included in the proposed project.

Under PR 461.1, mobile fuelers would be subject to control equipment requirements in regards to Phase I vapor recovery systems, Phase II vapor recovery systems, or non-vapor recovery components for dispensing; and cumulative capacity requirements in regards to the combined capacity of the storage capacity for each cargo tank located on a mobile fueler at any one given time with an exception for one portable fuel container with a ~~five~~ 6.6 gallon or less capacity. In addition, PR 461.1 includes definitions that distinguish the difference between non-retail and retail mobile fuelers.

PR 461.1 includes requirements for operational activities associated with mobile fuelers. Operational requirements vary based on the type of mobile fueler, but generally require the owner or operator of a mobile fueler to conduct dispensing activities that minimize the release of gasoline vapors, conduct recordkeeping, ~~testing, inspection,~~ and maintain equipment as required. Further, PR 461.1 limits the dispensing of gasoline only into motor vehicles that are equipped with an ORVR system by mobile fuelers with non-vapor components ~~with~~ for dispensing until CARB certifies at least two Phase II vapor recovery systems for mobile fuelers. PR 461.1 also requires ~~both the owner or operator of a dispensing location, and the owner or operator of a mobile fueler to comply with dispensing location requirements.~~ In addition, location requirements would prevent more than one retail mobile fueling company from operating at a single dispensing location within the same calendar month. Location requirements would ~~also ensure that~~ require retail fueling companies ~~to obtain documentation from the owner of the location as well as the local fire authority to operate at the specific location are identified on each dispensing locations registration.~~ Mobile fuelers would be prohibited from operating on a public street except in the case of an emergency or to maintain public infrastructure. Additional protection for schools located within 1,000 feet of the location are also included.

Additional requirements for PR 461.1 include the postage and maintenance of signage that has information that details how the public may report potential air related issues regarding operation of the mobile fueler. Also included are requirements for mobile fueling owners or operators to install, maintain, and repair, as necessary, CARB-certified Phase I and II vapor recovery systems and CARB-certified non-vapor recovery component for dispensing. Requirements for self-compliance, recordkeeping, testing, and reporting are also included in PR 461.1.

**PAR 461 – Gasoline Transfer and Dispensing**

PAR 461 is being amended to remove specific provisions that detail the requirements for the transfer of gasoline from a mobile fueler to any motor vehicle fuel tank, and the required emissions controls associated with mobile fueling operations which will now be addressed in PR 461.1. In addition, PAR 461 will allow the owner or operator of a stationary non-retail gasoline dispensing facility with modified dispensing equipment used in lieu of complying with Phase II requirements to continue to use these modified components until the permit to operate is modified, at which time those modified components shall be replaced with hose and nozzle components according to the latest CARB Executive Order.

**PAR 219 – Equipment not Requiring a Written Permit Pursuant to Regulation II**

PAR 219 will remove mobile fuelers from the existing exemption in paragraph (m)(9) and will add two separate exemptions for retail and non-retail mobile fuelers in with the new lower cumulative capacity mobile fueler thresholds from PR 461.1. Additionally, A separate temporary exemption until July 1, 2022 for units mobile fuelers that were previously exempt will be exempt until July 1, 2022 also be added to give owners time to obtain permits.

**~~PAR 222 – Filing Requirements for Specific Emission Sources not Requiring a Written Permit Pursuant to Regulation II~~**

~~PAR 222 is being amended to establish registration requirements for dispensing locations where retail mobile fuelers would dispense gasoline to ensure that multiple mobile fueler companies are not creating a health risk in exceedance of thresholds established by Rule 1401.~~

~~PAR 222 will require the owner or operator of a dispensing location to register the dispensing location where a retail mobile fueler dispenses gasoline as long as the dispensing location is not located at a Title V facility subject to South Coast AQMD Regulation XXX – Title V Permits. Facilities subject to the Title V program are currently required to list and evaluate all emissions, including gasoline vapors, in the Title V facility permit. A mobile fueler is a regulated emission unit and, if operated at any Title V facility, is required to be included in the facility's application for a Title V permit.~~

## **CHAPTER 2**

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### **ENVIRONMENTAL CHECKLIST**

**Introduction**

**General Information**

**Environmental Factors Potentially Affected**

**Determination**

**Environmental Checklist and Discussion**

## INTRODUCTION

The environmental checklist provides a standard evaluation tool to identify a project's potential adverse environmental impacts. This checklist identifies and evaluates potential adverse environmental impacts that may be created by the proposed project.

## GENERAL INFORMATION

Project Title:	PR 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations; PAR 461 – Gasoline Transfer and Dispensing; <u>and</u> PAR 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II; <del>and PAR 222 – Filing Requirements for Specific Emission Sources Not Requiring a Written Permit Pursuant to Regulation II</del>
Lead Agency Name:	South Coast Air Quality Management District
Lead Agency Address:	21865 Copley Drive Diamond Bar, CA 91765
CEQA Contact Person:	Ryan Bañuelos, (909) 396-3479, <a href="mailto:rbañuelos@aqmd.gov">rbañuelos@aqmd.gov</a>
PR 461.1, and PARs 461, <u>and</u> 219; <del>and 222</del> -Contact Person:	Britney Gallivan, (909) 396-2792, <a href="mailto:bgallivan@aqmd.gov">bgallivan@aqmd.gov</a>
Project Sponsor's Name:	South Coast Air Quality Management District
Project Sponsor's Address:	21865 Copley Drive Diamond Bar, CA 91765
General Plan Designation:	Not applicable
Zoning:	Not applicable
Description of Project:	The proposed project is comprised of PR 461.1, and proposed amendments to Rules 461, <u>and</u> 219, <del>and 222</del> . PR 461.1 has been developed to minimize emissions of volatile organic compounds (VOC) and toxics from mobile fueling operations through establishing requirements applicable to: 1) an owner or operator of a mobile fueler conducting retail or non-retail mobile fueling operations; 2) <del>an owner or operator of dispensing locations where mobile fuelers operate;</del> and 3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture CARB-certified control equipment or the associated components thereof. PAR 461 proposes to remove specific provisions pertaining to the requirements and emission control equipment associated with mobile fueling operations since these requirements are included in PR 461.1. Further, amendments to Rule 219 are proposed that will remove mobile fuelers from the existing exemption in paragraph (m)(9) and will add two separate exemptions for retail and non-retail mobile fuelers <del>in</del> <u>along</u> with the new lower cumulative capacity mobile fueler thresholds from PR 461.1. <u>Additionally, mobile fuelers that were previously exempt will continue to be exempt until July 1, 2022 to give provide owners time to obtain permits.</u> <del>Finally, amendments to Rule 222 are proposed that would establish registration requirements for retail mobile fueler gasoline dispensing</del>

~~locations to ensure that multiple mobile fueler companies would not create a health risk that would exceed the thresholds established by Rule 1401.~~ Implementation of the proposed project is expected to result in less than significant increases of VOC and toxic emissions and associated public health risk from mobile fueling operations. The Draft EA did not identify any environmental topic areas that would be significantly adversely affected by the proposed project. Of the potential sites identified by operators of mobile fuelers where mobile fueling operations (gasoline dispensing) would occur, none are identified on lists compiled by the California Department of Toxic Substances Control per Government Code Section 65962.5.

Surrounding Land Uses and Setting: Various

Other Public Agencies Whose Approval is Required: Not applicable

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The following environmental impact areas have been assessed to determine their potential to be affected by the proposed project. As indicated by the checklist on the following pages, environmental topics marked with a "✓" involve at least one impact that is a "Potentially Significant Impact". An explanation relative to the determination of impacts can be found following the checklist for each area.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Aesthetics                               | <input type="checkbox"/> Geology and Soils               | <input type="checkbox"/> Population and Housing    |
| <input type="checkbox"/> Agriculture and Forestry Resources       | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Public Services           |
| <input type="checkbox"/> Air Quality and Greenhouse Gas Emissions | <input type="checkbox"/> Hydrology and Water Quality     | <input type="checkbox"/> Recreation                |
| <input type="checkbox"/> Biological Resources                     | <input type="checkbox"/> Land Use and Planning           | <input type="checkbox"/> Solid and Hazardous Waste |
| <input type="checkbox"/> Cultural and Tribal Cultural Resources   | <input type="checkbox"/> Mineral Resources               | <input type="checkbox"/> Transportation            |
| <input type="checkbox"/> Energy                                   | <input type="checkbox"/> Noise                           | <input type="checkbox"/> Wildfire                  |
| <input type="checkbox"/> Mandatory Findings of Significance       |  |  |

**DETERMINATION**

On the basis of this initial evaluation:

- I find the proposed project, in accordance with those findings made pursuant to CEQA Guidelines Section 15252, COULD NOT have a significant effect on the environment, and that an ENVIRONMENTAL ASSESSMENT with no significant impacts has been prepared.
- I find that although the proposed project could have a significant effect on the environment, there will NOT be significant effects in this case because revisions in the project have been made by or agreed to by the project proponent. An ENVIRONMENTAL ASSESSMENT with no significant impacts will be prepared.
- I find that the proposed project MAY have a significant effect(s) on the environment, and an ENVIRONMENTAL ASSESSMENT will be prepared.
- I find that the proposed project MAY have a "potentially significant impact" on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and, 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL ASSESSMENT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects: 1) have been analyzed adequately in an earlier ENVIRONMENTAL ASSESSMENT pursuant to applicable standards; and, 2) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL ASSESSMENT, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

**Date:** November 23, 2021

**Signature:** \_\_\_\_\_



Barbara Radlein  
Program Supervisor, CEQA  
Planning, Rule Development and Area Sources

**ENVIRONMENTAL CHECKLIST AND DISCUSSION**

As explained in Chapter 1, the proposed project proposes to reduce emissions of VOC and TAC emissions (e.g., benzene, ethyl benzene, naphthalene, methyl tertiary-butyl ether, toluene, and xylene) from mobile fueling operations by establishing requirements for mobile fueling owners or operators in regard to throughput, location, duration, emissions controls, and permit conditions associated with mobile fueling operations.

Implementation of the proposed project is anticipated to require mobile fuelers to be equipped with emissions controls such as the CARB-certified Phase I and Phase II vapor recovery systems or non-vapor recovery systems which will minimize emissions of VOCs and TACs from mobile fueling operations. Installation and use of vapor recovery systems do not require building construction activities. Further, because mobile fuelers are premanufactured with the required emission control equipment, no additional construction or retrofit activities are expected to ensure compliance with the proposed project because it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. Operation of mobile fuelers may cause secondary adverse environmental impacts from emissions associated with fuel dispensing due to loading, breathing, refueling, hose permeation, spillage losses, and mobile fueler idling based on various dispensing throughputs specified in each individual mobile fueling permit to operate.

Other components of the proposed project, such as recordkeeping requirements, the requirement to submit permit applications, procedures for registration of equipment, and requirements associated with the preparation and submittal of testing protocols are administrative or procedural in nature and as such, would not be expected to cause any physical changes that would create any secondary adverse environmental impacts.

For these reasons, the analysis in this EA focuses on the key elements in the proposed project with the potential to create secondary adverse environmental impacts associated with operating mobile fuelers. The key components of the proposed project that are expected to involve physical activities are summarized in Table 2-1.

**Table 2-1  
Key Components of Proposed Project with Physical Effects During Operation of Mobile Fuelers**

<b>Proposed Project Requirement with Potential Physical Effects</b>	<b>Construction Impacts?</b>	<b>Operational Impacts?</b>	<b>Environmental topic areas potentially affected</b>
Installing and/or using CARB-certified vapor recovery systems	NO; the installation of a CARB approved vapor recovery system does not involve any construction activities because mobile fuelers are premanufactured with the required emission control equipment and it is unlikely that control equipment would be installed or retrofitted once a mobile fueler is already operating	YES, from the dispensing of gasoline from a mobile fueler that uses a CARB-certified vapor recovery systems	Air Quality and GHG Emissions
Dispensing of Gasoline (Idling)	NO	YES, from increased use of mobile fueler engines that idle during mobile fueling operations; risk of spillage or leak during dispensing	Air Quality and GHG Emissions, Hazards and Hazardous Materials
Dispensing Location Requirements	NO	YES, from the proximity to sensitive receptors based on physical location of mobile fueling operations at the time of dispensing gasoline	Air Quality and GHG Emissions
Driving to and From Dispensing Location(s)	NO	Yes, from increase in VMT; risk from transport of gasoline; use of diesel fuel for mobile fueler to operate	Air Quality and GHG Emissions, Energy, Hazards and Hazardous Materials, Transportation

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>I. AESTHETICS.</b> Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point(s).) If the project is in an urbanized area, would the project conflict with applicable zoning or other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Significance Criteria**

The proposed project impacts on aesthetics will be considered significant if:

- The project will block views from a scenic highway or corridor.
- The project will adversely affect the visual continuity of the surrounding area.
- The impacts on light and glare will be considered significant if the project adds lighting which would add glare to residential areas or sensitive receptors.

**Discussion**

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; ~~2) the owner or operator of dispensing locations where mobile fuelers operate;~~ and 23) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control equipment and it is unlikely that mobile fuelers would have control equipment installed or

retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**I. a), b), c) & d) No Impact.** For the purpose of determining significance under CEQA, a scenic vista is generally considered a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. Some scenic vistas are officially designated by public agencies, or informally designated by tourist guides. Vistas provide visual access or panoramic views to a large geographic area and are generally located at a point where surrounding views are greater than one mile away. Panoramic views are usually associated with vantage points over a section of urban or natural areas that provide a geographic orientation not commonly available. Examples of panoramic views might include an urban skyline, valley, mountain range, a large open space area, the ocean, or other water bodies. A substantial adverse effect to a scenic vista is one that degrades the view from such a designated view spot.

A scenic highway is generally considered a stretch of public roadway that is designated as a scenic corridor by a federal, state, or local agency. Caltrans defines a scenic highway as any freeway, highway, road, or other public right of way, that traverses an area of exceptional scenic quality.

Physical modifications associated with the proposed project are limited to the installation of CARB approved vapor recovery systems. No construction is associated with the installation of CARB-certified emission control equipment and no other construction activities are expected to occur to comply with the proposed project because mobile fuelers are premanufactured with emission control equipment and not likely to be retrofitted once in operation. Therefore, there are no visual changes associated with construction as a result of the proposed project.

Mobile fuelers are expected to operate at existing facilities that are already constructed and have existing approvals from the local city or county planning departments which have assessed compliance with zoning requirements, including review of aesthetic impacts under CEQA, as applicable, prior to completion of construction. In addition, the facilities where mobile fueling activities would occur are located throughout Los Angeles, Orange, and San Bernardino counties, and each county is mandated by the state of California to prepare a general plan containing an aesthetics element<sup>6 7 8</sup>. None of the anticipated physical activities associated with implementing the proposed project would involve activities that would exceed height restrictions or be inconsistent with the zoning designations at facilities where mobile fueling operations would occur.

Operation of mobile fuelers at a facility will be intermittent and temporally regulated by each individual mobile fueler operating permit which will limit the amount of gasoline that may be dispensed by a mobile fueler at any one location. For facilities with a mobile fueler operating onsite and that are located within the views of a scenic vista or state scenic highway as designated by the California Department of Transportation (Caltrans)<sup>9</sup>, no aesthetic impacts are expected during

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<sup>6</sup> Los Angeles County Department of Regional Planning, Los Angeles County General Plan 2035, Chapter 9: Conservation and Natural Resources Element, Accessed October 2020. <http://planning.lacounty.gov/generalplan/generalplan>

<sup>7</sup> OC Public Works, General Plan, Chapter IV Scenic Highway Plan Map and Chapter VI Resources Element, Accessed October 2020. <https://www.ocpublicworks.com/ds/planning/generalplan>

<sup>8</sup> San Bernardino County Land Use Services, Open Space Element, Accessed October 2020. <http://cms.sbcounty.gov/Portals/5/Planning/ZoningOverlaymaps/OpenSpaceCountywide.pdf>

<sup>9</sup> Caltrans, Scenic Highways, Accessed October 2020. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>

operation of a mobile fueler since a mobile fueler is not substantially discernable from any other vehicles that regularly transit to a facility where mobile fueling operations would occur. The proposed project is not anticipated to take place in nor have a substantial adverse effect on a scenic vista indicated in the Los Angeles County General Plan 2035, County of Orange General Plan, County of Riverside General Plan, or San Bernardino Countywide Plan. For these reasons, the proposed project would not be expected to conflict with applicable zoning or other regulations governing scenic quality.

Therefore, the use of mobile fuelers and associated equipment such as CARB certified vapor recovery systems as part of implementing the proposed project would not be expected to adversely affect a scenic vista, obstruct scenic resources within a state scenic highway, or degrade the existing visual character or quality of public views.

The requirements in the proposed project specific to conducting testing and recordkeeping would involve low-profile activities, if at all, that would be expected to blend in with routine day-to-day operations occurring within the property line of each facility where a mobile fueler is operating. Therefore, maintenance and testing, would not be expected to cause any discernable aesthetic impacts visible to outside the property lines of each facility where a mobile fueler is operating.

The proposed project does not include any components that would require mobile fueling activities to occur at night. If mobile fueling operations were to occur at night, each facility being visited by the mobile fueler would need to have sufficient existing lighting in place for safety reasons. If sufficient lighting does not exist and the facility elects to allow mobile fuelers to conduct their operations at night, the facility would need obtain approvals from the local city or county planning departments to install additional lighting. In addition, any lighting used for mobile fueling activities at night would not be expected to be substantially discernable from lighting used by existing vehicles at a facility or permanent facility night lighting used for safety and security purposes. Lighting typically faces toward the interior of each facility's property where a mobile fueler is operating so that they point downward or parallel to the ground, which has the effect of limiting the amount of lighting to what is needed to adequately illuminate the specific locations. Furthermore, during operation, additional light or glare would not be created which would adversely affect day or nighttime views at a location where a mobile fueler is operating since no light generating equipment is required to comply with the proposed project.

### **Conclusion**

Based upon these considerations, significant adverse aesthetics impacts are not expected from implementing the proposed project. Since no significant aesthetics impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>II. <u>AGRICULTURE AND FORESTRY RESOURCES.</u></b>				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland mapping and Monitoring Program of the California Resources Agency, to non- agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in the conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Significance Criteria**

Project-related impacts on agriculture and forest resources will be considered significant if any of the following conditions are met:

- The proposed project conflicts with existing zoning or agricultural use or Williamson Act contracts.
- The proposed project will convert prime farmland, unique farmland or farmland of statewide importance as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California Resources Agency, to non-agricultural use.
- The proposed project conflicts with existing zoning for, or causes rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined in Public

Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).

- The proposed project would involve changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

### Discussion

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; 2) ~~the owner or operator of dispensing locations where mobile fuelers operate;~~ and 3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control equipment and it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**II. a), b), c), d), & e) No Impact.** Pursuant to the California Land Conservation Act of 1965, a Williamson Act Contract enables private landowners to voluntarily enter into contracts with local governments for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive lower property tax assessments based upon farming and open space uses as opposed to full market value.

For each facility where a mobile fueler would visit, the immediately surrounding areas are typically not located on or near areas zoned for agricultural use, Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Department of Conservation<sup>10</sup>. Therefore, the proposed project would not result in any construction of new buildings or other structures that would require converting farmland to non-agricultural use or conflict with zoning for agriculture use or a Williamson Act contract. The proposed project will not cause any construction activities and operational activities would be expected to occur within the confines of existing facilities where mobile fuelers would be intermittently and temporarily located; thus, the proposed project is not expected to result in converting farmland to non-agricultural use; conflict with existing zoning for agricultural use, or a Williamson Act Control.

Under the proposed project, mobile fuelers would be intermittently and temporarily located at previously developed sites and there are no provisions or requirements in the proposed project that

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<sup>10</sup> California Department of Conservation, California Important Farmland Finder, Accessed October 2020. <https://maps.conservation.ca.gov/DLRP/CIFF/>

would lead to construction in underdeveloped areas where agricultural and forest resources are more likely to occur. Therefore, the proposed project is not expected to conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) or result in the loss of forest land or conversion of forest land to non-forest use. Consequently, the proposed project would not create any significant adverse agriculture or forestry impacts.

**Conclusion**

Based upon these considerations, significant adverse agriculture and forestry resources impacts are not expected from implementing the proposed project. Since no significant agriculture and forestry resources impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>III. <u>AIR QUALITY AND GREENHOUSE GAS EMISSIONS.</u> Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Diminish an existing air quality rule or future compliance requirement resulting in a significant increase in air pollutant(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Significance Criteria

To determine whether or not air quality and greenhouse gas impacts from implementing the proposed project are significant, impacts will be evaluated and compared to the criteria in Table 2-2. The proposed project will be considered to have significant adverse impacts if any one of the thresholds in Table 2-2 are equaled or exceeded.

**Table 2-2  
South Coast AQMD Air Quality Significance Thresholds**

<b>Mass Daily Thresholds <sup>a</sup></b>		
<b>Pollutant</b>	<b>Construction <sup>b</sup></b>	<b>Operation <sup>c</sup></b>
<b>NO<sub>x</sub></b>	100 lbs/day	55 lbs/day
<b>VOC</b>	75 lbs/day	55 lbs/day
<b>PM<sub>10</sub></b>	150 lbs/day	150 lbs/day
<b>PM<sub>2.5</sub></b>	55 lbs/day	55 lbs/day
<b>SO<sub>x</sub></b>	150 lbs/day	150 lbs/day
<b>CO</b>	550 lbs/day	550 lbs/day
<b>Lead</b>	3 lbs/day	3 lbs/day
<b>Toxic Air Contaminants (TACs), Odor, and GHG Thresholds</b>		
<b>TACs</b> (including carcinogens and non-carcinogens)	Maximum Incremental Cancer Risk $\geq$ 10 in 1 million Cancer Burden > 0.5 excess cancer cases (in areas $\geq$ 1 in 1 million) Chronic & Acute Hazard Index $\geq$ 1.0 (project increment)	
<b>Odor</b>	Project creates an odor nuisance pursuant to South Coast AQMD Rule 402	
<b>GHG</b>	10,000 MT/yr CO <sub>2</sub> eq for industrial facilities	
<b>Ambient Air Quality Standards for Criteria Pollutants <sup>d</sup></b>		
<b>NO<sub>2</sub></b> 1-hour average annual arithmetic mean	South Coast AQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 0.18 ppm (state) 0.03 ppm (state) and 0.0534 ppm (federal)	
<b>PM<sub>10</sub></b> 24-hour average annual average	10.4 $\mu\text{g}/\text{m}^3$ (construction) <sup>e</sup> & 2.5 $\mu\text{g}/\text{m}^3$ (operation) 1.0 $\mu\text{g}/\text{m}^3$	
<b>PM<sub>2.5</sub></b> 24-hour average	10.4 $\mu\text{g}/\text{m}^3$ (construction) <sup>e</sup> & 2.5 $\mu\text{g}/\text{m}^3$ (operation)	
<b>SO<sub>2</sub></b> 1-hour average 24-hour average	0.25 ppm (state) & 0.075 ppm (federal – 99 <sup>th</sup> percentile) 0.04 ppm (state)	
<b>Sulfate</b> 24-hour average	25 $\mu\text{g}/\text{m}^3$ (state)	
<b>CO</b> 1-hour average 8-hour average	South Coast AQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 20 ppm (state) and 35 ppm (federal) 9.0 ppm (state/federal)	
<b>Lead</b> 30-day Average Rolling 3-month average	1.5 $\mu\text{g}/\text{m}^3$ (state) 0.15 $\mu\text{g}/\text{m}^3$ (federal)	

<sup>a</sup> Source: South Coast AQMD CEQA Handbook (South Coast AQMD, 1993)

<sup>b</sup> Construction thresholds apply to both the South Coast Air Basin and Coachella Valley (Salton Sea and Mojave Desert Air Basins).

<sup>c</sup> For Coachella Valley, the mass daily thresholds for operation are the same as the construction thresholds.

<sup>d</sup> Ambient air quality thresholds for criteria pollutants based on South Coast AQMD Rule 1303, Table A-2 unless otherwise stated.

<sup>e</sup> Ambient air quality threshold based on South Coast AQMD Rule 403.

KEY: lbs/day = pounds per day    ppm = parts per million     $\mu\text{g}/\text{m}^3$  = microgram per cubic meter     $\geq$  = greater than or equal to  
MT/yr CO<sub>2</sub>eq = metric tons per year of CO<sub>2</sub> equivalents    > = greater than

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## Discussion

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; ~~2) the owner or operator of dispensing locations where mobile fuelers operate;~~ and 23) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control equipment and it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**III. a) No Impact.** The South Coast AQMD is required by law to prepare a comprehensive district-wide AQMP which includes strategies (e.g., control measures) to reduce emission levels to achieve and maintain state and federal ambient air quality standards, and to ensure that new sources of emissions are planned and operated to be consistent with the South Coast AQMD's air quality goals. The AQMP's air pollution reduction strategies include control measures which target stationary, area, mobile, and indirect sources. These control measures are based on feasible methods of attaining ambient air quality standards. Pursuant to the provisions of both the state and federal Clean Air Acts, the South Coast AQMD is also required to attain the state and federal ambient air quality standards for all criteria pollutants.

The most recent regional blueprint for how the South Coast AQMD will achieve air quality standards and healthful air is outlined in the 2016 AQMP<sup>11</sup> which contains multiple goals of promoting reductions of criteria air pollutants, greenhouse gases, and toxics.

The proposed project is not expected to obstruct or conflict with the implementation of the 2016 AQMP because minimizing VOC and TAC emissions from implementing the proposed project is in accordance with the emission reduction goals in the 2016 AQMP. Further, the purpose of the proposed project is to address a regulatory gap to establish requirements for retail mobile fuelers, establish consistent permitting requirements, clarify requirements for retail and non-retail mobile fuelers, minimize emissions of VOCs and TACs, and minimize public health impacts. Thus, implementing the proposed project would not conflict with or obstruct implementation of the applicable air quality plans.

**III. b) and e) Less Than Significant Impact.** While the proposed project is designed to minimize VOC and TAC emissions from mobile fuelers by establishing requirements for controls, operating, dispensing locations, testing and recordkeeping, secondary air quality impacts are expected due to

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<sup>11</sup> South Coast AQMD, Final 2016 Air Quality Management Plan, March, 2017. <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp.pdf>

physical activities that would occur from its implementation: dispensing gasoline and mobile fueler travel to and from various facilities.

Table 2-3 summarizes the key requirements in the proposed project that may result in secondary adverse air quality and greenhouse gas (GHG) impacts during operation. Because the proposed project does not require any construction, no secondary adverse impacts to air quality or greenhouse gases are expected during construction, and this EA is limited to the analysis of operational impacts as a result of the proposed project.

**Table 2-3**  
**Sources of Potential Secondary Adverse Air Quality and GHG Impacts**  
**During Operation**

Proposed Project Compliance Requirement with Potential Physical Effects	Operational Impacts?	Environmental topic areas potentially affected
Dispensing of Gasoline (Idling)	YES, from increased use of mobile fueler engines that idle during mobile fueling operations; risk of spillage or leak during dispensing	Air Quality and GHG Emissions, Hazards and Hazardous Materials
Mobile Fueling Location Requirements	YES, from the proximity to sensitive receptors based on physical location of mobile fueling operations at the time of dispensing gasoline	Air Quality and GHG Emissions
Driving to and From Mobile Fueling Location(s)	Yes, from increase in VMT; risk from transport of gasoline; use of diesel fuel for mobile fueler to operate	Air Quality and GHG Emissions, Energy, Hazards and Hazardous Materials, Transportation

For the purpose of conducting a worst-case CEQA analysis for the proposed project the following assumptions have been made:

#### **Number of Operating Mobile Fuelers on Peak Day**

- Based on communication with current mobile fueling operators, the South Coast AQMD expects to receive permit applications for 21 new mobile fuelers if the proposed project is approved. In order to account for activity from other mobile fueling operators under a worst case scenario, the potential mobile fueler count is doubled; therefore, 42 mobile fuelers are assumed in this analysis to operate in the South Coast AQMD on a peak day after adoption of the proposed project.

#### **Gasoline Dispensing by Mobile Fuelers**

- A single mobile fueler is assumed to dispense a full tank at one facility per day. Extrapolating a worst case fueling rate based on field observation, this equates to 1,200 gallons in 6.33 hours per day. During the dispensing of gasoline, a mobile fueler will idle as needed in order to fuel vehicles. Idling activities are assumed to occur the entire 6.33 hour duration.

#### **Emissions Control Equipment**

- All mobile fuelers would be required to be equipped with CARB-certified Phase I and Phase II vapor recovery systems or an alternative CARB-certified non-vapor recovery system subject to requirements of the proposed project.

***Timing of Operation Activities***

The proposed project requires owners or operators of mobile fuelers that conduct retail or non-retail operations to comply with the applicable requirements to equip each mobile fueller cargo tank with the appropriate emissions control equipment (e.g., CARB-certified Phase I and Phase II vapor recovery systems or CARB-certified non-vapor recovery component). The analysis assumes that the emissions controls for mobile fuelers would be installed prior to mobile fueller operation.

***Construction Impacts***

No construction activities are expected as a result of the proposed project; therefore, there are no air quality or greenhouse gas impacts from construction.

***Operational Impacts***

Physical activities from dispensing gasoline (throughput VOC emissions that include loading, breathing, refueling, hose permeation, and spillage losses), idling, and mobile fueller travel to and from various facilities would cause recurring operational emissions. Emissions from mobile fueller vehicle travel was estimated using EMFAC2017. Mobile fueller vehicles were approximated as medium-heavy duty diesel instate construction trucks with gross vehicle weight rating  $\leq$  26,000 pounds. Calendar year 2021 emission rates were applied for a 30-mile trip starting from facility headquarters to a bulk terminal to potential fueling location, and ending back at a mobile fueller headquarters.

Table 2-4 summarizes the peak daily emissions associated with operation and the detailed calculations of project emissions can be found in Appendix B.

**Table 2-4  
Peak Daily Operation Emissions by Pollutant (lb/day)**

Mobile Fueler Count	Operation Activity	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM10	PM2.5
1 Mobile Fueler	Throughput Emissions from Gasoline Dispensing (loading, breathing, refueling, hose permeation and spillage losses)	0.94	--	--	--	--	--
	Idling Emissions for 1 Mobile Fueler	0.01	0.44	0.30	0.00	0.00	0.00
	Travel to Conduct Fueling Operations	0.00	0.06	0.00	0.00	0.00	0.00
	Subtotal	0.95	0.49	0.31	0.00	0.00	0.00
42 Mobile Fuelers	Throughput Emissions from Gasoline Dispensing (loading, breathing, refueling, hose permeation and spillage losses)	38.58	--	--	--	--	--
	Idling Emissions for 42 Mobile Fuelers	0.31	18.30	12.74	0.03	0.00	0.00
	Travel to Conduct Fueling Operations	0.02	2.39	0.17	0.02	0.02	0.01
Overall	<b>Total Operational Emissions</b>	38.91	20.69	12.91	0.06	0.02	0.02
	<b>Significance Threshold for Operation</b>	55	55	550	150	150	55
	<b>Significant?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>

The air quality analysis indicates that the peak daily operation emissions are below the South Coast AQMD's air quality significance thresholds for any pollutant during operation. Thus, the analysis concludes that the air quality impacts during operation are expected to be less than significant.

Further, the air quality analysis is based on the emissions from Model 2 mobile fuelers because if the proposed project is adopted, Model 3 retail mobile fuelers, which are currently operating, would be prevented from further operation and therefore emissions would be offset as a result of taking the Model 3 retail mobile fuelers out of operation in the South Coast AQMD jurisdiction. At the time of this rulemaking it is uncertain how many Model 3 retail mobile fuelers are currently operating. However, the proposed project would ensure that Model 3 retail mobile fuelers would cease operations.

### ***Cumulatively Considerable Impacts***

Based on the foregoing analysis, since criteria pollutant project-specific air quality impacts from implementing the proposed project would not be expected to exceed any of the air quality significance thresholds in Table 2-2, cumulative air quality impacts are also expected to be less than significant. South Coast AQMD cumulative air quality significance thresholds are the same as project-specific air quality significance thresholds. Therefore, potential adverse impacts from implementing the proposed project would not be "cumulatively considerable" as defined by CEQA

Guidelines Section 15064(h)(1) for air quality impacts. Per CEQA Guidelines Section 15064(h)(4), the mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable.

The South Coast AQMD's guidance on addressing cumulative impacts for air quality is as follows: "As Lead Agency, the South Coast AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR." "Projects that exceed the project-specific significance thresholds are considered by the South Coast AQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant."<sup>12</sup>

This approach was upheld by the Court in *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal. App. 4th 327, 334. The Court determined that where it can be found that a project did not exceed the South Coast AQMD's established air quality significance thresholds, the City of Chula Vista properly concluded that the project would not cause a significant environmental effect, nor result in a cumulatively considerable increase in these pollutants. The court found this determination to be consistent with CEQA Guidelines Section 15064.7, stating, "The lead agency may rely on a threshold of significance standard to determine whether a project will cause a significant environmental effect." The court found that, "Although the project will contribute additional air pollutants to an existing non-attainment area, these increases are below the significance criteria..." "Thus, we conclude that no fair argument exists that the Project will cause a significant unavoidable cumulative contribution to an air quality impact." As in *Chula Vista*, here the South Coast AQMD has demonstrated, when using accurate and appropriate data and assumptions, that the project will not exceed the established South Coast AQMD significance thresholds. See also, *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal. App. 4th 899. Here again the court upheld the South Coast AQMD's approach to utilizing the established air quality significance thresholds to determine whether the impacts of a project would be cumulatively considerable. Thus, it may be concluded that the proposed project would not contribute to a significant unavoidable cumulative air quality impact. Since no cumulatively significant air quality impacts were identified, no mitigation measures are necessary or required.

### **III. c) Less Than Significant Impact.**

#### ***Toxic Air Contaminants (TACs) During Operation***

The diesel-powered mobile fueler must idle during the dispensing of gasoline, and the emitted diesel particulate matter is considered a carcinogenic and chronic TAC. The dispensing of gasoline is also expected to release TACs which include benzene, ethyl benzene, naphthalene, methyl tertiary-butyl ether, toluene, and xylene.

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<sup>12</sup> South Coast AQMD Cumulative Impacts Working Group White Paper on Potential Control Strategies to Address Cumulative Impacts From Air Pollution, August 2003, Appendix D, Cumulative Impact Analysis Requirements Pursuant to CEQA, at D-3. <http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper-appendix.pdf>

A Health Risk Assessment (HRA) is a technical study that evaluates how toxic emissions, such as those mentioned above, are released from a facility, how they disperse throughout the community, and the potential for those toxic pollutants to impact human health. An HRA is dependent on knowing the exact distances a mobile fueler would be located in relation to a sensitive receptor, the period of time spent dispensing, period of time spent idling, et cetera. While the exact details (e.g., site location, time spent conducting dispensing operations, permit conditions, etc.) required to conduct an HRA and therefore health risk would vary from mobile fueler to mobile fueler, compliance with South Coast AQMD Rule 1401 limits a fueling operation at a specific location to a maximum health risk of one in a million for equipment not having Toxic Best Available Control Technology (T-BACT). Using worst case meteorological data, the nearest sensitive receptor distance, and a stack height of 7.5 feet for idling, a specific location would only be permitted to dispense a total of 134,500 gallons per year to be below a maximum health risk of one in a million at 0.99 in a million. However, the permitted health risk of one in a million does not include idling. The corresponding health risk from idling for this quantity of fuel is approximately 0.36 in a million. A specific location, therefore, can be estimated to have a health risk of 1.35 in a million, which is less than the air quality significance for TACs (e.g., MICR > 10 in a million) under CEQA. When the results of the HRA demonstrate that the maximum permitted risk MICR is less than 10 in a million, the acute and chronic non-cancer hazard indices (HIA and HIC, respectively) are much lower (< 0.1) than the significance threshold of 1.0. For this reason, the HIC and HIA were not calculated for this mobile fueling scenario. Thus, the proposed project is not expected to generate significant adverse air quality impacts from TACs during operation.

The analysis in Section III b) and e) concluded that the quantity of pollutants that may be generated from implementing the proposed project would be less than significant during operation. Because the emissions from all activities that may occur as part of implementing the proposed project are at less than significant levels, the emissions that may be generated from implementing the proposed project would not be substantial, regardless of whether sensitive receptors are located near or at the facilities where mobile fuelers are operating. Overall, implementation of the proposed project would minimize VOC and TAC emissions from mobile fueling operations. Therefore, the proposed project is not expected to generate significant adverse TAC impacts from operation or expose sensitive receptors to substantial pollutant concentrations. Since no significant air quality impacts were identified for TACs, no mitigation measures are necessary or required. In addition, TAC emissions are not cumulatively considerable because compliance with the proposed project ensures ~~that only a single mobile fueler would be allowed to operate at a single facility and the~~ throughput would be limited to prevent significant air quality impacts.

### **III. d) Less Than Significant Impact.**

#### ***Odor Impacts***

Odor problems depend on individual circumstances. For example, individuals can differ quite markedly from the populated average in their sensitivity to odor due to any variety of innate, chronic or acute physiological conditions. This includes olfactory adaptation or smell fatigue (i.e., continuing exposure to an odor usually results in a gradual diminution or even disappearance of the small sensation).

The proposed project does not have a construction phase and will not result in any construction activities, therefore no odors as a result of construction are expected. During operation, diesel-fueled mobile fuelers would be operated. Diesel fuel is required to have a low sulfur content (e.g., 15 ppm by weight or less) in accordance with South Coast AQMD Rule 431.2 – Sulfur Content of

Liquid Fuels<sup>13</sup>; thus, the fuel is expected to have minimal odor. It would be expected that sufficient dispersion of diesel emissions over distance generally occurs such that odors associated with diesel emissions may not be discernable to off-site receptors, depending on the location of the mobile fueler and its distance relative to the nearest off-site receptor during mobile fueling operations. The diesel mobile fueling trucks that would be operated on-site intermittently at an individual facility are not expected to idle long enough to generate lingering odors. The use of mobile fuelers would be intermittent and occur over a relatively short period of time; therefore, the proposed project would not be expected to generate diesel exhaust odor greater than what is already typically present at facilities where mobile fueling operations would occur. Lastly, significant odor impacts are not expected from gasoline dispensing because all mobile fuelers will be required to have Phase I or Phase II vapor recovery systems or will only fill motor vehicles equipped with ORVR, so the escape of vapors that create odors is not expected. Thus, the proposed project is not expected to create significant adverse objectionable odors during construction or operation. Since no significant air quality impacts were identified for odors, no mitigation measures for odors are necessary or required.

### **III. f) and g) Less Than Significant Impacts.**

#### ***Greenhouse Gas (GHG) Impacts***

Significant changes in global climate patterns have recently been associated with global warming, an average increase in the temperature of the atmosphere near the Earth's surface, attributed to accumulation of GHG emissions in the atmosphere. GHGs trap heat in the atmosphere, which in turn heats the surface of the Earth. Some GHGs occur naturally and are emitted to the atmosphere through natural processes, while others are created and emitted solely through human activities. The emission of GHGs through the combustion of fossil fuels (i.e., fuels containing carbon) in conjunction with other human activities, appears to be closely associated with global warming. State law defines GHG to include the following: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>) (Health and Safety Code Section 38505(g)). The most common GHG that results from human activity is CO<sub>2</sub>, followed by CH<sub>4</sub> and N<sub>2</sub>O.

Traditionally, GHGs and other global warming pollutants are perceived as solely global in their impacts and that increasing emissions anywhere in the world contributes to climate change anywhere in the world. A study conducted on the health impacts of CO<sub>2</sub> “domes” that form over urban areas cause increases in local temperatures and local criteria pollutants, which have adverse health effects<sup>14</sup>.

The analysis of GHGs is a different analysis than the analysis of criteria pollutants for the following reasons. For criteria pollutants, the significance thresholds are based on daily emissions because attainment or non-attainment is primarily based on daily exceedances of applicable ambient air quality standards. Further, several ambient air quality standards are based on relatively short-term exposure effects on human health (e.g., one-hour and eight-hour standards). Since the half-life of CO<sub>2</sub> is approximately 100 years, for example, the effects of GHGs occur over a longer term which

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<sup>13</sup> South Coast AQMD, Rule 431.2 – Sulfur Content of Liquid Fuels, September 15, 2000. <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-431-2.pdf>

<sup>14</sup> Jacobsen, Mark Z. “Enhancement of Local Air Pollution by Urban CO<sub>2</sub> Domes,” Environmental Science and Technology, as describe in Stanford University press release on March 16, 2010 available at: <http://news.stanford.edu/news/2010/march/urban-carbon-domes-031610.html>.

means they affect the global climate over a relatively long timeframe. As a result, the South Coast AQMD’s current position is to evaluate the effects of GHGs over a longer timeframe than a single day (i.e., annual emissions). GHG emissions are typically considered to be cumulative impacts because they contribute to global climate effects.

The proposed project does not have a construction phase and will not result in any construction activities, therefore no greenhouse gas emissions as a result of construction are expected.

The South Coast AQMD convened a “Greenhouse Gas CEQA Significance Threshold Working Group” to consider a variety of benchmarks and potential significant thresholds to evaluate GHG impacts. On December 5, 2008, the South Coast AQMD adopted an interim CEQA GHG Significance Threshold for projects where the South Coast AQMD is the lead agency (South Coast AQMD 2008). This GHG interim threshold is set at 10,000 metric tons (MT) of CO<sub>2</sub> equivalent emissions (CO<sub>2</sub>eq) per year. Projects with incremental increases below this threshold will not be cumulatively considerable. GHG impacts from the implementation of the proposed project were calculated at the project-specific level during operational activities.

Table 2-5 summarizes the GHG analysis which shows that the proposed project may result in the generation of 323 MT per year of CO<sub>2</sub>eq, which is less than the South Coast AQMD’s air quality significance threshold for GHGs. Detailed calculations of project GHG emissions can be found in Appendix B.

**Table 2-5  
Summary of GHG Emissions from Affected Facilities**

<b>Mobile Fueler Count</b>	<b>Activity</b>	<b>CO<sub>2</sub>eq Emissions (MT/yr)</b>
1 Mobile Fueler	Fueling/Idling	4.52
	Travel	3.16
	<b>Subtotal</b>	7.68
42 Mobile Fuelers	Fueling/Idling	190
	Travel	133
Overall	<b>Total</b>	323
	<b>Significance Threshold</b>	10,000
	<b>Significant?</b>	<b>No</b>

Note: 1 metric ton = 2,205 pounds. GHGs from short-term construction activities are amortized over 30 years.

As shown in Table 2-5, the South Coast AQMD air quality significance threshold for GHGs would not be exceeded. For this reason, implementing the proposed project would not be expected to generate significant adverse cumulative GHG air quality impacts. Further, as noted in Section III. a), implementation of the proposed project would not be expected to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing criteria pollutants and the same is true for GHG emissions since the quantity of increased GHG emissions is at less than significant levels. Since significant air quality impacts were not identified for GHGs, no mitigation measures are necessary or required.

**Conclusion**

Based upon these considerations, significant air quality and GHG emissions impacts are not expected from implementing the proposed project. Since no significant air quality and GHG emissions impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>IV. <u>BIOLOGICAL RESOURCES.</u></b>				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Significance Criteria

Impacts on biological resources will be considered significant if any of the following criteria apply:

- The project results in a loss of plant communities or animal habitat considered to be rare, threatened or endangered by federal, state or local agencies.
- The project interferes substantially with the movement of any resident or migratory wildlife species.
- The project adversely affects aquatic communities through construction or operation of the project.

### Discussion

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; ~~2) the owner or operator of dispensing locations where mobile fuelers operate;~~ and 3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control equipment and it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**IV. a), b), c), d), e), & f) No Impact.** Implementation of the proposed project is not limited to any specific facilities because mobile fueling operations may occur wherever allowed under the proposed project. Further, mobile fuelers would only intermittently visit at an existing facility that has already been developed in order to conduct fueling operations. For some fleet operators that may use mobile fuelers, mobile fueling presents an alternative to the installation and construction of site-specific fueling infrastructure. Since the use of mobile fuelers does not require construction that could disturb any existing biological resources, no disturbances to biological resources will occur as a result of the proposed project. Thus, the proposed project is not expected to adversely affect in any way habitats that support riparian habitat, federally protected wetlands, or migratory corridors. Similarly, special status plants, animals, or natural communities identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service are not expected to be found on or in close proximity to facilities where mobile fueling operations would occur. Therefore, the proposed project would have no direct or indirect impacts that could adversely affect plant or animal species or the habitats on which they rely. The proposed project does not require the acquisition of additional land or further conversions of riparian habitats or sensitive natural communities where endangered or sensitive species may be found. In addition, since no construction from the implementation of the proposed would occur at any existing facilities where mobile fueling operations take place, no impacts to wetlands or the path of migratory species is expected.

The facilities where mobile fueling operations would occur are located throughout Los Angeles, Orange, San Bernardino, and Riverside counties. According to the California Department of Fish and Wildlife, Natural Community Conservation Plans (NCCP) Summaries,<sup>15</sup> and the U.S. Department of Fish and Wildlife list of Habitat Conservation Plans (HCP)<sup>16</sup>, there is a NCCP for Los Angeles County (e.g., City of Rancho Palos Verdes NCCP/HCP) whereas Orange County, San Bernardino County, and Riverside County all have NCCPs and HCPs (e.g., County of Orange Central/Coastal Subregion NCCP/HCP, the Orange County Transportation Authority NCCP/HCP, the San Bernardino County Town of Apple Valley Multi-Species Conservation Plan NCCP/HCP, the Riverside County Western Riverside County Multiple Species NCCP/HCP, and the Coachella Valley Multiple Species NCCP/HCP). Nonetheless, because the proposed project does not contain any requirements that would involve facility modifications or require divisions in any existing communities, and since compliance with the proposed project would occur with mobile fuelers located intermittently for fueling operations at existing facilities that are located in previously disturbed areas, none of the mobile fueling owners or operators are subject to a HCP or NCCP. Thus, the proposed project would not be expected to conflict with any adopted HCP, NCCP, or any other relevant habitat conservation plan, and would not create divisions in any existing communities. The proposed project is also not expected to conflict with local policies or ordinances protecting biological resources or local, regional, or state conservation plans, because land use and other planning considerations are determined by local governments and no land use or planning requirements would be altered by implementation of the proposed project.

### **Conclusion**

Based upon these considerations, significant biological resource impacts are not expected from implementing the proposed project. Since no significant biological resource impacts were identified, no mitigation measures are necessary or required.

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<sup>15</sup> California Department of Fish and Wildlife, NCCP Plan Summaries, Accessed October 2020. <https://wildlife.ca.gov/conservation/planning/nccp/plans>.

<sup>16</sup> U.S. Fish and Wildlife Service, Habitat Conservation Plans, Accessed October 2021. <https://ecos.fws.gov/ecp/report/conservation-plans-region-summary?region=8&type=HCP>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>V. <u>CULTURAL AND TRIBAL CULTURAL RESOURCES.</u></b>				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074, as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is either:				
• Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code Section 5024.1(c)? (In applying the criteria set forth in Public Resources Code Section 5024.1(c), the lead agency shall consider the significance of the resource to a California Native American tribe.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Significance Criteria

Impacts to cultural resources will be considered significant if:

- The project results in the disturbance of a significant prehistoric or historic archaeological site or a property of historic or cultural significance, or tribal cultural significance to a community or ethnic or social group or a California Native American tribe.
- Unique resources or objects with cultural value to a California Native American tribe are present that could be disturbed by construction of the proposed project.
- The project would disturb human remains.

### Discussion

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; ~~2) the owner or operator of dispensing locations where mobile fuelers operate;~~ and ~~3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture~~ CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control equipment and it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**V. a) No Impact.** There are existing laws in place that are designed to protect and mitigate potential impacts to cultural resources. For example, CEQA Guidelines state that generally, a resource shall be considered “historically significant” if the resource meets the criteria for listing in the California Register of Historical Resources, which include the following:

- Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- Is associated with the lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possesses high artistic values;
- Has yielded or may likely to yield information important in prehistory or history (CEQA Guidelines Section 15064.5).

Buildings, structures, and other potential culturally significant resources that are less than 50 years old are generally excluded from listing in the National Register of Historic Places, unless they are shown to be exceptionally important. No buildings or structures will be affected by the proposed project since the proposed project does not include any requirements or provisions that would require construction and operation of mobile fuelers would occur at facilities that are mainly used for industrial or commercial purposes and would generally not be considered to be historically

significant, since they would not have any of the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values. In the unlikely event that fueling were to occur at a historically significant building or resource, mobile fueling activities would occur where vehicles are parked and not interference with the cultural or historic nature of the site or resource. Therefore, the proposed project is not expected to cause any impacts to significant historic cultural resources.

**V. b), c), & d) No Impact.** No construction-related activities are expected to occur as a result of the proposed project and mobile fuelers would be confined to operate within existing industrial or commercial facilities. Thus, the proposed project is not expected to require physical changes to the environment which may disturb paleontological or archaeological resources. Furthermore, it is envisioned that the areas where a mobile fueler would operate are already either devoid of significant cultural resources or located in an area whose cultural resources have been previously disturbed. Therefore, the proposed project has no potential to cause a substantial adverse change to a historical or archaeological resource, directly or indirectly to destroy a unique paleontological resource or site or unique geologic feature, or to disturb any human remains, including those interred outside formal cemeteries. Implementing the proposed project is, therefore, not anticipated to result in any activities or promote any programs that could have a significant adverse impact on cultural resources.

The proposed project is not expected to require physical changes to a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American Tribe. Furthermore, the proposed project is not expected to result in a physical change to a resource determined to be eligible for inclusion or listed in the California Register of Historical Resources or included in a local register of historical resources. Similarly, the proposed project is not expected to result in a physical change to a resource determined by the South Coast AQMD to be significant to any tribe. For these reasons, the proposed project is not expected to cause any substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074.

As part of releasing this CEQA document for public review and comment, the South Coast AQMD also provided a formal notice of the proposed project to all California Native American Tribes (Tribes) that requested to be on the Native American Heritage Commission's (NAHC) notification list per Public Resources Code Section 21080.3.1(b)(1). The NAHC notification list provides a 30-day period during which a Tribe may respond to the formal notice in writing requesting consultation on the proposed project.

In the event that a Tribe submits a written request for consultation during this 30-day period, the South Coast AQMD will initiate a consultation with the Tribe within 30 days of receiving the request in accordance with Public Resources Code Section 21080.3.1(b). Consultation ends when either: 1) both parties agree to measures to avoid or mitigate a significant effect on a Tribal Cultural Resource and agreed upon mitigation measures shall be recommended for inclusion in the environmental document [see Public Resources Code Section 21082.3(a)]; or, 2) either party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached [see Public Resources Code Section 21080.3.2(b)(1)-(2) and Section 21080.3.1(b)(1)].

**Conclusion**

Based upon these considerations, significant adverse cultural and tribal cultural resources impacts are not expected from implementing the proposed project. Since no significant cultural and tribal cultural resources impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>VI. ENERGY.</b> Would the project:				
a) Conflict with or obstruct adopted energy conservation plans, a state or local plan for renewable energy, or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the need for new or substantially altered power or natural gas utility systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create any significant effects on local or regional energy supplies and on requirements for additional energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create any significant effects on peak and base period demands for electricity and other forms of energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with existing energy standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Require or result in the relocation or construction of new or expanded electric power, natural gas or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Significance Criteria**

Impacts to energy resources will be considered significant if any of the following criteria are met:

- The project conflicts with adopted energy conservation plans or standards.
- The project results in substantial depletion of existing energy resource supplies.
- An increase in demand for utilities impacts the current capacities of the electric and natural gas utilities.
- The project uses energy resources in a wasteful and/or inefficient manner.

## Discussion

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; ~~2) the owner or operator of dispensing locations where mobile fuelers operate~~; and 3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control equipment and it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**VI. a), e), f), & g) No Impact.** The proposed project is not expected to conflict with any adopted energy conservation plans or violate any energy conservation standards because existing facilities where mobile fuelers would intermittently be located are expected to continue implementing any existing energy conservation plans that are currently in place regardless of whether the proposed project is implemented. The effects of implementing the proposed project would apply to owners or operators of mobile fuelers. The proposed project does not contain requirements or provisions that would result in the construction of new facilities. Mobile fuelers operate by using diesel fuel and would not need any external energy resources in order to conduct fueling operations; and therefore, mobile fuelers would not be using non-renewable resources in a wasteful manner. For these reasons, the proposed project is not expected to conflict with energy conservation plans or existing energy standards, or use non-renewable resources in a wasteful manner.

**VI. b), c), & d) Less Than Significant Impact.** Implementation of the proposed project would result in the use of emission control equipment (e.g., CARB-certified vapor recovery systems) for mobile fueling equipment as well as testing and monitoring equipment on mobile fueling vehicles and fueling apparatuses. To operate mobile fuelers, the use of energy in terms of diesel fuel would be needed. To conduct testing and maintenance of mobile fuelers the use of energy in terms of gasoline fuel for on-road passenger vehicles and light-, medium- and heavy duty trucks would be needed. The projected increased fuel demands that may result from the proposed project are discussed below.

Implementation of the proposed project would not require utilities to provide additional electricity to the facilities where mobile fuelers intermittently operate and would not substantially alter their power systems because no external energy sources would be needed to operate mobile fuelers and fuel would be provided from existing supplies. Further, since natural gas would not be needed to implement any of the physical changes that may occur as part of implementing the proposed project, no change to existing natural gas supplies and usage would be expected to occur. In addition, because the proposed project would not require new facilities to be constructed and because no new energy demand would occur from existing power systems, implementation the

proposed project would not result in the relocation or construction of new or expanded electric power, natural gas or telecommunication facilities.

### ***Fuel Usage during Construction***

The proposed project would not result in any construction activities and therefore no significant adverse impact on fuel supplies would be expected during construction.

### ***Fuel Usage during Operation***

Mobile fuelers would need to drive to each facility in order to conduct fueling operations. Once at a facility a mobile fueler would use diesel fuel in order to provide power to conduct fueling operations. Further, the analysis assumes that testing and maintenance activities would be conducted at the mobile fueler home base with the existing workforce and therefore would not generate the need for additional gasoline-fueled passenger vehicles or diesel-fueled trucks in excess of the existing setting.

A fuel usage analysis is dependent on knowing the exact distances a mobile fueler would travel to reach a facility for dispensing fuel, the type of engine used by the mobile fueler, type of fuel used, time spent idling during fueling operations, et cetera. The analysis in this EA assumes that a mobile fueler will drive approximately 30 miles per fueling location and the mobile fueler relies on diesel fuel and the gasoline-powered vehicles receiving fuel would no longer drive 0.1 mile to a stationary gas station for a fill-up.

To conduct a worst-case analysis for the fuel usage associated with diesel-fueled mobile fueling trucks an average fuel economy of 6.6 miles per gallon was assumed. The projected increase in diesel fuel demand during operation is presented in Table 2-6.

**Table 2-6  
Annual Total Projected Fuel Usage for Operation Activities**

	<b>Diesel</b>	<b>Gasoline</b>
<b>Projected Operational Energy Use (gal/yr)<sup>a</sup></b>	69,682	0
<b>Year 2017 South Coast AQMD Jurisdiction Estimated Fuel Demand (gal/yr)<sup>b</sup></b>	775,000,000	7,086,000,000
<b>Total Increase Above Baseline</b>	0.009%	0%
<b>Significance Threshold</b>	1%	1%
<b>Significant?</b>	<b>No</b>	<b>No</b>

Notes:

- Estimated peak fuel usage from operation activities. Diesel usage estimates are based on worst case mobile fueler trip length of 30 miles that includes three trip segments: 1) mobile fueler from origin point to fuel depot; 2) mobile fueler from fuel depot to facility; and 3) mobile fueler from facility to origin point. Gasoline usage is estimated to be zero since there are no worker vehicles associated with the proposed project.
- Implementation of the proposed project is expected to result in a corresponding reduction in gasoline by motor vehicles that would have been used to travel approximately 0.1 miles to reach a stationary gas station. However, the amount of gasoline reduced has not been calculated because South Coast AQMD staff cannot speculate on the number and type of vehicles (since the fuel economy widely varies from vehicles to vehicle) that will actually get gasoline filled by a mobile fueler.

While gasoline-powered passenger vehicles are the intended customer of the mobile fuelers, the proposed project does not rely on passenger vehicles to deliver gasoline. The projected increased use of diesel fuel as a result of implementing the proposed project are well below the South Coast AQMD significance threshold for fuel supply. Thus, no significant adverse impact on fuel supplies would be expected during operation.

Based on the foregoing analyses, the construction and operation-related activities associated with the implementation of the proposed project would not use energy in a wasteful manner and would not result in substantial depletion of existing energy resource supplies, create a significant demand of energy when compared to existing supplies. Thus, there are no significant adverse energy impacts associated with the implementation of the proposed project.

**Conclusion**

Based upon these considerations, significant adverse energy impacts are not expected from implementing the proposed project. Since no significant energy impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>VII. GEOLOGY AND SOILS.</b> Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
• Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Significance Criteria

Impacts on the geological environment will be considered significant if any of the following criteria apply:

- Topographic alterations would result in significant changes, disruptions, displacement, excavation, compaction or over covering of large amounts of soil.
- Unique geological resources (paleontological resources or unique outcrops) are present that could be disturbed by the construction of the proposed project.
- Exposure of people or structures to major geologic hazards such as earthquake surface rupture, ground shaking, liquefaction or landslides.
- Secondary seismic effects could occur which could damage facility structures, e.g., liquefaction.
- Other geological hazards exist which could adversely affect the facility, e.g., landslides, mudslides.
- Unique paleontological resources or sites or unique geologic features are present that could be directly or indirectly destroyed by the proposed project.

### Discussion

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; ~~2) the owner or operator of dispensing locations where mobile fuelers operate;~~ and 3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control equipment and it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**VII. a), b), c), d), e), f) No Impact.** The proposed project would not result in any construction activities at any existing facility where a mobile fueler is expected to intermittently operate. In general, existing facilities where mobile fueling would occur are located in already developed industrial or commercial settings. Further, the proposed project does not cause or require any new facilities to be constructed and no construction activities are expected to occur, and no facility will need to make any physical modifications to comply with the proposed project. Therefore, the proposed project is not expected to adversely affect geophysical conditions in the South Coast AQMD.

Southern California is an area of known seismic activity. As part of the issuance of building permits, local jurisdictions are responsible for assuring that the Uniform Building Code is adhered

to and can conduct inspections to ensure compliance. The Uniform Building code is considered to be a standard safeguard against major structural failures and loss of life. The basic formulas used for the Uniform Building Code seismic design require determination of the seismic zone and site coefficient, which represents the foundation condition at the site. The Uniform Building Code requirements also consider liquefaction potential and establish stringent requirements for building foundations in areas potentially subject to liquefaction. The proposed project will not result in the modification of existing structures at existing facilities where mobile fuelers would be intermittently located and therefore no requirements or provisions included in the proposed project would result in a need to conform to the Uniform Building Code or any other state and local building codes. Structures must be designed to comply with the Uniform Building Code Zone 4 requirements if they are located in a seismically active area. The Uniform Building Code is considered to be a standard safeguard against major structural failures and loss of life. Thus, the proposed project would not alter the exposure of people or property to geological hazards such as earthquakes, landslides, mudslides, ground failure, or other natural hazards. As a result, substantial exposure of people or structures to the risk of loss, injury, or death involving the rupture of an earthquake fault, seismic ground shaking, ground failure or landslides is not anticipated.

The proposed project will not result in any physical modifications to existing facilities or construction activities. Physical modifications as a result of the proposed project are limited to mobile fuelers and mobile fueling equipment. Because there is no construction as a result of the proposed project no grading activities or erosion from grading activities will occur. For this reason, no unstable earth conditions or changes in geologic substructures are expected to result from implementing the proposed project and therefore, no impacts to the loss of topsoil or soil erosion will occur. Further, soil at existing facilities where mobile fuelers are expected to intermittently operate will not be affected by the proposed project and therefore will not be made further susceptible to expansion or liquefaction. The proposed project will not create any new conditions that would cause subsidence landslides, or alter unique geologic features at any of the locations where a mobile fueler would intermittently operate. Thus, the proposed project would not be expected to increase or exacerbate any existing risks associated with soils at any facility where a mobile fueler intermittently operates. Implementation of the proposed project would not involve re-locating facilities on a geologic unit or soil that is unstable or that would become unstable as a result of the project; therefore, it would not be expected to potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. No impacts are anticipated.

The proposed project would not require the installation of septic tanks or other alternative wastewater disposal systems since any facility where a mobile fueler would intermittently operate would be expected to have an existing sanitary system that is connected to the local sewer system. Therefore, no persons or property would be exposed to new impacts related to expansive soils or soils incapable of supporting water disposal. Thus, the implementation of the proposed project would not adversely affect soils associated with the installation of a new septic system or alternative wastewater disposal system or modification of an existing sewer.

The proposed project does not cause or require the construction of any new facilities. No previously undisturbed land that may contain a unique paleontological resource or site or unique geological feature would be affected. Therefore, the proposed project is not expected to directly or indirectly destroy a unique paleontological resource or site or unique geological feature.

**Conclusion**

Based upon these considerations, significant adverse geology and soils impacts are not expected from the implementation of the proposed project. Since no significant geology and soils impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions, or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Significantly increased fire hazard in areas with flammable materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Significance Criteria

Impacts associated with hazards will be considered significant if any of the following occur:

- Non-compliance with any applicable design code or regulation.
- Non-conformance to National Fire Protection Association standards.
- Non-conformance to regulations or generally accepted industry practices related to operating policy and procedures concerning the design, construction, security, leak detection, spill containment or fire protection.
- Exposure to hazardous chemicals in concentrations equal to or greater than the Emergency Response Planning Guideline (ERPG) 2 levels.

### Discussion

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; ~~2) the owner or operator of dispensing locations where mobile fuelers operate;~~ and 3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control equipment and it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**VIII. a), b), & c) Less than Significant Impact.** Hazardous material is defined in the Health and Safety Code (HSC) Section 25501 as follows:

Hazardous material means any material that because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

Hazardous materials typically include but are not limited to hazardous substances, hazardous waste, or any material which a handler has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

The types of materials and wastes considered hazardous are hazardous chemicals (e.g., toxic, ignitable, corrosive, and reactive materials). The characteristics of toxicity, ignitability, corrosivity, and reactivity are defined in California Code of Regulations (CCR), Title 22 Section 66261.20 – 66261.24 and are summarized below:

**Toxic Substances:** Toxic substances may cause short-term or long-lasting health effects, ranging from temporary effects to permanent disability, or even death. For example, such substances can cause disorientation, acute allergic reactions, asphyxiation, skin irritation, or other adverse health effects if human exposure exceeds certain levels. The levels depend on the substances involved and are chemical-specific. Carcinogens, substances that can cause cancer, are a special class of toxic substances. Examples of toxic substances include benzene which is a component of gasoline and a known carcinogen.

**Ignitable Substances:** Ignitable substances are hazardous because of their ability to burn. Gasoline, hexane, and natural gas are examples of ignitable substances.

**Corrosive Materials:** Corrosive materials can cause severe burns. Corrosives include strong acids and bases such as sodium hydroxide (lye) or sulfuric acid (battery acid).

**Reactive Materials:** Reactive materials may cause explosions or generate toxic gases. Explosives, pure sodium or potassium metals (which react violently with water), and cyanides are examples of reactive materials.

Examples of hazardous materials which would be used during operation of the proposed project are petroleum-based products such as vehicle fuels (gasoline and diesel) and lubricating oils that could be used during maintenance activities associated with maintaining mobile fuelers. Currently, hazardous materials are transported throughout the South Coast AQMD jurisdiction by various modes including rail, highway, water, air, and pipeline. Hazard concerns are related to the potential for fires, explosions, or the release of hazardous materials and substances in the event of an accident or upset conditions. For the proposed project, gasoline fuel will be transferred into a tank affixed to a mobile fueling truck and transported to facilities located throughout the South Coast AQMD jurisdiction where it will be dispensed to other vehicles.

A number of physical or chemical properties may cause a substance to be hazardous. With respect to determining whether a material is hazardous, the Safety Data Sheet (SDS) for each specific material should be consulted for the National Fire Protection Association (NFPA) 704 hazard rating system (i.e. NFPA 704). NFPA 704 is a “standard (that) provides a simple, readily recognized, easily understood system for identifying the specific hazards of a material and the severity of the hazard that would occur during an emergency response. The system addresses the health, flammability, instability, and special hazards presented from short-term, acute exposures that could occur as a result of a fire, spill, or similar emergency<sup>17</sup>.” In addition, the hazard ratings per NFPA 704 are used by emergency personnel to quickly and easily identify the risks posed by nearby hazardous materials in order to help determine what, if any, specialty equipment should be used, procedures followed, or precautions taken during the first moments of an emergency response. The scale is divided into four color-coded categories, with blue indicating level of health hazard, red indicating the flammability hazard, yellow indicating the chemical reactivity, and white containing special codes for unique hazards such as corrosivity and radioactivity. Each hazard category is rated on a scale from 0 (no hazard; normal substance) to 4 (extreme risk).

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<sup>17</sup> National Fire Protection Association, FAQ for Standard 704. [https://www.nfpa.org/assets/files/aboutthecodes/704/704\\_faqs.pdf](https://www.nfpa.org/assets/files/aboutthecodes/704/704_faqs.pdf)

No construction activities will occur as a result of the proposed project and therefore no hazardous materials associated with construction will be used. Further, because the proposed project will not involve any construction no hazardous materials will be use, stored, or transported as a result of construction activities.

Implementation of the proposed project may result in hazards and hazardous materials operational impacts due to the use and transport of gasoline and diesel fuel. The use of diesel fueled trucks to transport gasoline fuel for dispensing at a facility could result in a reasonably foreseeable accident or upset conditions that could involve the release of these hazardous materials into the environment. Exposure of the public or the environment to hazardous materials could occur through but not limited to the following means: improper handling or use of hazardous materials, particularly by untrained personnel; transportation accident; and/or fire, explosion, or other emergencies. The severity of potential effects varies with the activity conducted, the concentration and type of hazardous material present, and the proximity of sensitive receptors.

However, owners and operators of mobile fuelers must comply or continue to comply with various regulations including Occupational Safety and Health Administration (OSHA) regulations (29 Code of Federal Regulations (CFR) Part 1910) that require the preparation of a fire prevention plan, and 20 CFR Part 1910 and CCR Title 8 that require prevention programs to protect workers who handle toxic, flammable, reactive, or explosive materials. In addition, Section 112 (r) of the CAA Amendments of 1990 [42 United States Code (USC) 7401 et. seq.] and Article 2, Chapter 6.95 of the California HSC require facilities that handle listed regulated substances to develop Risk Management Programs (RMPs) to prevent accidental releases of these substances. If any of the facilities where mobile fuelers would intermittently operate prepared an RMP, it may need to be revised to incorporate any changes that may be associated with the proposed project. The Hazardous Materials Transportation Act is the federal legislation that regulates transportation of hazardous materials.

The use and transport of hazardous materials as a result of the proposed project would be governed by existing regulations of several agencies, including the U.S. EPA, US Department of Transportation, the California Regional Water Quality Control Board, California Division of Occupational Safety and Health, and local or regional environmental health departments and fire departments. Strict adherence to all local and regional emergency response plan requirements would also be required per Health and Safety Code Section 25506. Additionally, mobile fueler owners, operators, and handlers would be required to comply with International Fire Code Section 5707 – On-Demand Mobile Fueling Operations, if implemented by the local fire authority, which would provide ~~an~~ additional regulatory procedures for spill prevention and control in the event of a spill (e.g., mobile fuelers would be required to keep a spill kit available). Furthermore, mobile fueler owners or operators would be required to provide workers with training on the safe use, handling, and dispensing of gasoline and would maintain equipment and supplies for containing and cleaning up spills of gasoline during fueling operations.

When mobile fueling handlers of gasoline fuel comply with the existing regulations and recommended safety procedures, hazards impacts as a result of the proposed project are expected to be the same or less than those of operations from a stationary gas station or transport of gasoline fuel using tanker trucks that already operate and have a greater carrying capacity than mobile fueling trucks.

The accidental release of gasoline fuel from transport and use is a localized event (i.e., the release of gasoline fuel would only affect the receptors that are within the immediate area). The accidental release from transport would also be temporally limited because transport of gasoline fuel is not likely to be made at the same time at the same facility. Based on these limitations, it is assumed that an accidental release would be limited to a single mobile fueling tanker in transit or single mobile fueler conducting fueling operations (e.g., dispensing gasoline to vehicles) at facility at a time.

A hazard analysis is dependent on knowing the exact location of a potential spill (e.g., meteorological conditions, location of the receptor, et cetera,). A site-specific or accidental transportation release scenario hazard analysis is difficult to conduct without this information. Predicting when, where, and to what extent a mobile fueler could potentially result in a spill, leaking, or other gasoline tank containment failure without firm evidence based on facts to support the analysis would require an engagement in speculation or conjecture that is inappropriate for this EA.

Accordingly, the potential impacts associated with a mobile fueler transportation accident or mobile fueler tank rupture in this EA are generally based on the assumption that mobile fuelers would comply with all applicable state, federal, and local regulations so that should failure of a mobile fueler gasoline tank occur, the release would not significantly affect the public, thus minimizing the potential impacts associated with the operation of mobile fuelers. Further, mobile fuelers are typically equipped with safety devices and equipment to reduce impacts should a rupture of the mobile fueling tank occur during transit. Because of these safety features and adherence to existing regulations significant hazards that would affect sensitive receptors, or could occur due to an accident during use and transport, are not expected to occur.

For the reasons described above, impacts to the public or environment through the continued routine operations of mobile fuelers at facilities located throughout the South Coast AQMD jurisdiction are expected to be less than significant.

**VIII. d) No Impact.** Government Code Section 65962.5 refers to hazardous waste handling practices at facilities subject to the Resources Conservation and Recovery Act (RCRA). The proposed project does not have any requirements that would affect sites that are identified on lists of California Department of Toxic Substances Control hazardous waste facilities per Government Code Section 65962.5. Further, the proposed project is not site specific and does not apply to any existing facilities. Implementation of the proposed project would minimize the exposure to VOC and TAC emissions from mobile fueling operations and in turn, minimize public health impacts by establishing requirements (e.g., maintenance and testing) for mobile fueler operations. The proposed project is not expected to interfere with existing hazardous waste management programs since mobile fueling operations would not affect the handling of hazardous waste at any of facilities where they operate. Facilities where mobile fuelers intermittently operate would be expected to continue to manage any and all hazardous materials and hazardous waste, in accordance with applicable federal, state, and local rules and regulations. Therefore, compliance the proposed project would not create a new significant hazard to the public or environment.

**VIII. e) Less Than Significant.** Federal Aviation Administration regulation, 14 CFR Part 77 – Safe, Efficient Use and Preservation of the Navigable Airspace, provide information regarding the types of projects that may affect navigable airspace. Projects may adversely affect navigable airspace if they involve construction or alteration of structures greater than 200 feet above ground

level within a specified distance from the nearest runway or objects within 20,000 feet of an airport or seaplane base with at least one runway more than 3,200 feet in length and the object would exceed a slope of 100:1 horizontally (100 feet horizontally for each one foot vertically from the nearest point of the runway).

No construction is expected to occur as a result of the proposed project and the proposed project does not contain and requirements that would result in construction at any facilities. Therefore, implementation of the proposed project is not expected to increase or create any new safety hazards to peoples working or residing in the vicinity of public/private airports.

Further, the proposed project does not require or prohibit the use of a mobile fueler within an airport or in the immediate vicinity of an airport. However, it should be noted that airports typically operate with other hazardous materials onsite such as jet fuel and the operation of a mobile fueler will not create a new safety hazard for people residing near an airport or working at an airport, nor would the operation of a mobile fueler affect or interfere with an airport land use plan, if such a plan has been adopted.

**VIII. f) No Impact.** Health and Safety Code Section 25506 specifically requires all businesses handling hazardous materials to submit a business emergency response plan to assist local administering agencies in the emergency release or threatened release of a hazardous material. Business emergency response plans generally require the following:

- Identification of individuals who are responsible for various actions, including reporting, assisting emergency response personnel and establishing an emergency response team;
- Procedures to notify the administering agency, the appropriate local emergency rescue personnel, and the California Office of Emergency Services;
- Procedures to mitigate a release or threatened release to minimize any potential harm or damage to persons, property or the environment;
- Procedures to notify the necessary persons who can respond to an emergency within the facility;
- Details of evacuation plans and procedures;
- Descriptions of the emergency equipment available in the facility;
- Identification of local emergency medical assistance; and,
- Training (initial and refresher) programs for employees in:
  1. The safe handling of hazardous materials used by the business;
  2. Methods of working with the local public emergency response agencies;
  3. The use of emergency response resources under control of the handler;
  4. Other procedures and resources that will increase public safety and prevent or mitigate a release of hazardous materials.

In general, every county or city and all facilities using a minimum amount of hazardous materials are required to formulate detailed contingency plans to eliminate, or at least minimize, the

possibility and effect of fires, explosion, or spills. In conjunction with the California Office of Emergency Services, local jurisdictions have enacted ordinances that set standards for area and business emergency response plans. These requirements include immediate notification, mitigation of an actual or threatened release of a hazardous material, and evacuation of the emergency area.

Emergency response plans are typically prepared in coordination with the local city or county emergency plans to ensure the safety of not only the public (surrounding local communities), but the facility employees as well. The proposed project would not impair the implementation of, or physically interfere with any adopted emergency response plans or emergency evacuation plans that may be in place at existing facilities. No physical modifications are required in order to comply with the proposed project and therefore no updates to existing emergency response plans for any facility where a mobile fueler would intermittently operate are necessary. However, if a facility modifies their emergency response plan to reflect operation of a mobile fueler, such modifications would not create any environmental impacts. Therefore, the proposed project is not expected to impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

**VIII. g) Less Than Significant Impact.** The Uniform Fire Code and Uniform Building Code set standards intended to minimize risks from flammable or otherwise hazardous materials. Local jurisdictions are required to adopt the uniform codes or comparable regulations. Local fire agencies require permits for the use or storage of hazardous materials and permit modifications for proposed increases in their use. Permit conditions depend on the type and quantity of the hazardous materials at a facility. Permit conditions may include, but are not limited to, specifications for sprinkler systems, electrical systems, ventilation, and containment. The fire departments make annual business inspections to ensure compliance with permit conditions and other appropriate regulations. Further, businesses are required to report increases in the storage or use of flammable and otherwise hazardous materials to local fire departments. Local fire departments ensure that adequate permit conditions are in place to protect against the potential risk of upset. The proposed project would not change the existing requirements and permit conditions for the proper handling of flammable materials. Further, owners or operators of mobile fuelers would be required to obtain an permit approval from a local fire agency or documentation that approval is not required by the local fire agency prior to operating at a dispensing location. In addition, the National Fire Protection Association has special designations for deflagrations (e.g., explosion prevention) when using materials that may be explosive. Therefore, operators of mobile fuelers are expected to comply with National Fire Protection requirements for explosion control.

### **Conclusion**

Based upon these considerations, significant adverse hazards and hazardous materials impacts are not expected from implementing the proposed project. Since no significant hazards and hazardous materials impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>IX. <u>HYDROLOGY AND WATER QUALITY.</u> Would the project:</b>				
a) Violate any water quality standards, waste discharge requirements, or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
• Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
f) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, facilities or new storm water drainage facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Significance Criteria

Potential impacts on water resources will be considered significant if any of the following criteria apply:

#### Water Demand:

- The existing water supply does not have the capacity to meet the increased demands of the project, or the project would use more than 262,820 gallons per day of potable water.
- The project increases demand for total water by more than five million gallons per day.

#### Water Quality:

- The project will cause degradation or depletion of ground water resources substantially affecting current or future uses.
- The project will cause the degradation of surface water substantially affecting current or future uses.
- The project will result in a violation of National Pollutant Discharge Elimination System (NPDES) permit requirements.
- The capacities of existing or proposed wastewater treatment facilities and the sanitary sewer system are not sufficient to meet the needs of the project.
- The project results in substantial increases in the area of impervious surfaces, such that interference with groundwater recharge efforts occurs.

- The project results in alterations to the course or flow of floodwaters.

### Discussion

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; ~~2) the owner or operator of dispensing locations where mobile fuelers operate;~~ and ~~3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture~~ CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control equipment and it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**IX. a), b), e), f), g), & h) No Impact.** The proposed project does not contain any requirements that would utilize water during construction or operation and as such, no wastewater would be expected to be generated and no increase in water demand is expected. Since no wastewater is generated and no increase in water demand is created from the proposed project, the proposed project would not be expected to: 1) violate any water quality standards, waste discharge requirements of the applicable Regional Water Quality Control Board, or otherwise substantially degrade surface or ground water quality; 2) require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, facilities or new storm water drainage facilities; 3) substantially decrease groundwater supplies or interfere substantially with groundwater recharge or impede sustainable groundwater management of the basin; 4) conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan; 5) impact the water supply available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years; and 6) give cause for the wastewater treatment provider to question or evaluate whether adequate wastewater capacity exists in addition to the provider's existing commitments. Additionally, mobile fueler owners, operators, and handlers would be required to comply with International Fire Code Section 5707 – On-Demand Mobile Fueling Operations, if implemented by the local fire authority, which would provide an additional regulatory procedures for spill prevention and control in the event of a spill (e.g., mobile fuelers would be required to keep a spill kit available).

### Conclusion

Based upon these considerations, significant adverse hydrology and water quality impacts are not expected from implementing the proposed project. Since no significant hydrology and water quality impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>X. <u>LAND USE AND PLANNING.</u></b>				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Significance Criteria**

Land use and planning impacts will be considered significant if the project conflicts with the land use and zoning designations established by local jurisdictions.

**Discussion**

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; ~~2) the owner or operator of dispensing locations where mobile fuelers operate;~~ and 3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control equipment and it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**X. a) & b) No Impact.** The proposed project does not require the construction of new facilities, and the physical effects that would result from the proposed project would occur at existing facilities where mobile fuelers are temporality located in commercial and industrial areas and would not occur within the public right of way. Further, any physical effects that may occur as a result of the proposed project are limited to mobile fuelers and their operations. For this reason, implementation of the proposed project is not expected to physically divide an established community. Therefore, no impacts are anticipated.

Further, land use and other planning considerations are determined by local governments and the proposed project does not alter any land use or planning requirements. Compliance with the proposed project would apply to owners or operators of mobile fuelers whose operations would be intermittent (limited by permit requirements specific to each mobile fueler owner or operator) within the boundary of existing facilities. Thus, the proposed project would not be expected to affect or conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

**Conclusion**

Based upon these considerations, significant adverse land use and planning impacts are not expected from implementing the proposed project. Since no significant land use and planning impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XI. <u>MINERAL RESOURCES.</u></b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Significance Criteria**

Project-related impacts on mineral resources will be considered significant if any of the following conditions are met:

- The project would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- The proposed project results in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

**Discussion**

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; ~~2) the owner or operator of dispensing locations where mobile fuelers operate;~~ and 3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control equipment and it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**XI. a) & b) No Impact.** There are no provisions in the proposed project that would result in the loss of availability of a known mineral resource of value to the region and the residents of the state,

or of a locally-important mineral resource recovery site delineated on a local general plan, specific plant or other land use plan. Some examples of mineral resources are gravel, asphalt, bauxite, and gypsum, which are commonly used for construction activities or industrial processes. Implementation of the proposed project would result in owners or operators of mobile fuelers to comply with the emission control equipment requirements in the proposed project, and require owners or operators to conduct maintenance, testing, and recordkeeping; all of which have no effect on the use of minerals, such as those described above. Therefore, no new demand on mineral resources is expected to occur and significant adverse mineral resources impacts from implementing the proposed project are not anticipated.

**Conclusion**

Based upon these considerations, significant adverse mineral resource impacts are not expected from implementing the proposed project. Since no significant mineral resource impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XII. NOISE.</b> Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Significance Criteria**

Noise impact will be considered significant if:

- Construction noise levels exceed the local noise ordinances or, if the noise threshold is currently exceeded, project noise sources increase ambient noise levels by more than three decibels (dBA) at the site boundary. Construction noise levels will be considered significant if they exceed federal Occupational Safety and Health Administration (OSHA) noise standards for workers.
- The proposed project operational noise levels exceed any of the local noise ordinances at the site boundary or, if the noise threshold is currently exceeded, project noise sources increase ambient noise levels by more than three dBA at the site boundary.

**Discussion**

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; ~~2) the owner or operator of dispensing locations where mobile fuelers operate;~~ and 3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control

equipment and it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**XII. a), b), c) No Impact.** The facilities where mobile fuelers are expected to intermittently operate are located in urbanized previously developed commercial and industrial areas. The existing noise environment at each of the facilities is typically dominated by noise from existing equipment on-site, vehicular traffic around the facilities, and trucks entering and existing facility premises. Further, none of the facilities where mobile fuelers are expected to intermittently operate will need to make any physical modification during operation and no construction activities are expected as a result of the proposed project. Since the facilities where mobile fuelers are expected to intermittently operate are located in commercial and industrial areas, which have a higher background noise level when compared to other areas, the noise generated during operation, if any, would likely be indistinguishable from the background noise levels at the property line. Further, Occupational Safety and Health Administration (OSHA) and California-OSHA have established noise standards to protect worker health outdoors. Furthermore, compliance with local noise ordinances would be required. No noise increases are expected.

Information on where mobile fuelers would operate is uncertain at this point in time, and it would be speculative to predict or forecast the precise location of mobile fueling operations on a facility-by-facility basis. Predicting where mobile fuelers would operate without firm evidence based on facts to support the analysis would require an engagement in speculation or conjecture that is inappropriate for this EA. Therefore, It is speculative to determine where mobile fuelers would operate and if those operations would occur within two miles of an airport. The existing noise environment at any facility where mobile fuelers would intermittently operate is dominated by noise from existing equipment on-site, vehicular traffic around the facilities, and trucks entering and exiting facility premises. Thus, any new noise as a result of the proposed project would be indistinguishable from the background levels at the property line. Thus, the proposed project is not expected to expose persons residing or working within two miles of a public airport or private airstrip to excessive noise levels.

### **Conclusion**

Based upon these considerations, significant adverse noise impacts are not expected from the implementing the proposed project. Since no significant noise impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XIII. POPULATION AND HOUSING.</b>				
Would the project:				
a) Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Significance Criteria**

Impacts of the proposed project on population and housing will be considered significant if the following criteria are exceeded:

- The demand for temporary or permanent housing exceeds the existing supply.
- The proposed project produces additional population, housing or employment inconsistent with adopted plans either in terms of overall amount or location.

**Discussion**

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; 2) ~~the owner or operator of dispensing locations where mobile fuelers operate;~~ and 3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control equipment and it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**XIII. a) No Impact.** No construction activities are expected as a result of implementing the proposed project and therefore the proposed project does not contain any requirements that are expected to involve the relocation of individuals, require new housing or commercial facilities, or change the distribution of the population. Only a few workers per mobile fueler may be needed to comply with the proposed project and these workers can be supplied from the existing labor pool in the local Southern California area. Maintenance activities resulting from the proposed project

would also not be expected to result in the need for a substantial number of additional employees because mobile fueling owners or operators have existing personnel that already conduct maintenance on mobile fuelers. It is possible that new employees may be needed to operate new mobile fuelers as mobile fueling operations expand however the proposed project does not include requirements that would result in an increase in mobile fueling operations. In the event that new employees are hired for mobile fueling operations, those new employees would be strictly a business decision. Regardless of implementing the proposed project, human population within the jurisdiction of the South Coast AQMD is expected to stay about the same. As such, the proposed project is not anticipated to not result in changes in population densities, population distribution, or induce significant growth in population.

**XIII. b) No Impact.** The proposed project would not result in construction activities. Maintenance and testing requirements would not be expected to substantially alter existing mobile fueller operations. Consequently, the proposed project is not expected to result in the creation of any industry that would affect population growth, directly or indirectly induce the construction of single- or multiple-family units, or require the displacement of persons or housing elsewhere within the South Coast AQMD’s jurisdiction.

### **Conclusion**

Based upon these considerations, significant adverse population and housing impacts are not expected from implementing the proposed project. Since no significant population and housing impacts were identified, no mitigation measures are necessary or required.

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<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**XIV. PUBLIC SERVICES.** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

- |                             |                          |                          |                          |                                     |
|-----------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fire protection?         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Police protection?       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Schools?                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Parks?                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Significance Criteria**

Impacts on public services will be considered significant if the project results in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response time, or other performance objectives.

**Discussion**

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; 2) ~~the owner or operator of dispensing locations where mobile fuelers operate;~~ and 3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control equipment and it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**XIV. a) & b) No Impact.** Implementation of the proposed project does not require any construction activities. Prior to operation mobile fuelers would be required to obtain an approvals or a written statement that approval is not required from the appropriate fire protection authority. While the proposed project requires the use of air pollution control equipment which would minimize emissions of VOCs and TACs from mobile fueling operations, the proposed project does not require the new use or handling of hazardous materials. As such, no new special circumstances with handling sensitive materials during operation would be expected. For these reasons, new safety hazards are not expected to occur during operation, and implementation of the proposed project is not expected to substantially alter or increase the need or demand for additional public services (e.g., fire and police departments and related emergency services, etc.) above current levels. No significant impact to these existing services is anticipated.

**XIV. c), d), & e) No Impact.** As explained in Section XIII. a), the proposed project is not anticipated to generate any significant effects, either direct or indirect, on the population or population distribution within South Coast AQMD's jurisdiction as no additional workers are anticipated to be required for compliance. Because the proposed project is not expected to induce substantial population growth in any way, and because the local labor pool (e.g., workforce) would remain the same since the proposed project would not trigger changes to current usage practices, no additional schools would need to be constructed. Each mobile fueling owner or operator would be required to install air pollution control equipment and trained personnel may be needed in order to maintain the new equipment, however an increase in the labor force is not expected. As such, no corresponding impacts to local schools or parks would occur, and there would be no corresponding need for new or physically altered public facilities in order to maintain acceptable service ratios, response times, or other performance objectives. Therefore, no impacts would be expected to schools, parks or other public facilities.

### **Conclusion**

Based upon these considerations, significant adverse public services impacts are not expected from implementing the proposed project. Since no significant public services impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XV. RECREATION.</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment or recreational services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Significance Criteria**

Impacts to recreation will be considered significant if:

- The project results in an increased demand for neighborhood or regional parks or other recreational facilities.
- The project adversely affects existing recreational opportunities.

**Discussion**

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; 2) ~~the owner or operator of dispensing locations where mobile fuelers operate;~~ and 3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control equipment and it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**XV. a) & b) No Impact.** As previously explained in Section XIII – Population and Housing, the proposed project is not expected to affect population growth or distribution within the South Coast AQMD’s jurisdiction because workers needed to install air pollution control equipment for mobile fuelers and the associated testing and maintenance activities for compliance with the proposed project can be supplied by the existing labor pool in the local Southern California area. As such,

the proposed project is not anticipated to generate any significant adverse effects, either indirectly or directly on population growth within the South Coast AQMD's jurisdiction or population distribution, and thus no additional demand for recreational facilities would be necessary or expected. No requirements in the proposed project would be expected to affect recreation in any way. Therefore, the proposed project would not increase the demand for or use of existing neighborhood and regional parks or other recreational facilities or require the construction of new or expansion of existing recreational facilities that might have an adverse physical effect on the environment because it would not directly or indirectly increase or redistribute population.

**Conclusion**

Based upon these considerations, significant adverse recreation impacts are not expected from implementing the proposed project. Since no significant recreation impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XVI. <u>SOLID AND HAZARDOUS WASTE.</u></b> Would the project:				
a) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Comply with federal, state, and local statutes and regulations related to solid and hazardous waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Significance Criteria**

The proposed project impacts on solid and hazardous waste will be considered significant if the following occurs:

- The generation and disposal of hazardous and non-hazardous waste exceeds the capacity of designated landfills.

**Discussion**

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; ~~2) the owner or operator of dispensing locations where mobile fuelers operate;~~ and 3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control equipment and it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**XVI. a) & b) No Impact.** The proposed project would not cause construction activities to occur and therefore no solid construction waste would be generated that would need to be disposed of in a landfill. The operation of emission control equipment by mobile fuelers will not result in the collection of hazardous waste therefore no hazardous waste would be generated that would need to be disposed of at a certified hazardous waste landfill or recycling center for proper disposal or recycling. Thus, solid and hazardous waste generation is not expected to significantly impact existing permitted landfill capacity.

Current operations at by mobile fueler owners or operators are assumed to comply with all applicable local, state, or federal waste disposal regulations, and the proposed project does not

contain any provisions that would weaken, alter, or interfere with current practices. Thus, implementation of the proposed project is not expected to interfere with existing mobile fueling waste disposal practices or any facilities where a mobile fueler would intermittently operate and their ability to comply with applicable local, state, or federal waste disposal regulations in a manner that would cause a significant adverse solid and hazardous waste impact.

**Conclusion**

Based upon these considerations, significant adverse solid and hazardous waste impacts are not expected from implementing the proposed project. Since no significant solid and hazardous waste impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XVII. TRANSPORTATION.</b>				
Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Significance Criteria**

Impacts on transportation and traffic will be considered significant if any of the following criteria apply:

- A major roadway is closed to all through traffic, and no alternate route is available.
- The project conflicts with applicable policies, plans, or programs establishing measures of effectiveness, thereby decreasing the performance or safety of any mode of transportation.
- There is an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.
- The demand for parking facilities is substantially increased.
- Water borne, rail car or air traffic is substantially altered.
- Traffic hazards to motor vehicles, bicyclists, or pedestrians are substantially increased.
- The need for more than 350 employees.
- An increase in heavy-duty transport truck traffic to and/or from the facility by more than 350 truck round trips per day.
- Increase customer traffic by more than 700 visits per day.

## Discussion

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; ~~2) the owner or operator of dispensing locations where mobile fuelers operate;~~ and 3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control equipment and it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**XVII. a) & b) Less than Significant Impact.** As previously discussed in Section III – Air Quality and Greenhouse Gas Emissions, compliance with the proposed project would require operational activities such as dispensing of gasoline. In addition, in order to conduct fueling operations mobile fuelers would be required to travel to a facility to dispense gasoline. Based on the existing mobile fueler operations mobile fuelers are expected to travel: 1) from their home base to a fueling depot and then to a facility where fueling operations would intermittently occur and then back to their home base or 2) from their home base that includes an on-site fueling depot to a facility where fueling operations would intermittently occur and back to their home base/fueling depot. Also, information about mobile fueler operations in regard to which facilities would be selected to be used as intermittent fueling locations is uncertain at this point in time, and it would be speculative to predict or forecast the precise location where mobile fuelers would operate on a facility-by-facility basis since a transportation analysis is dependent on knowing the exact distances a mobile fueler would travel to operate (e.g., the location of the facility where a mobile fueler would operate, location of the fuel depot, route a mobile fueler would take, etc.). Predicting where a mobile fueler would operate without firm evidence based on facts to support the analysis would require an engagement in speculation or conjecture that is inappropriate for this EA.

Accordingly, the impacts associated with operation of mobile fuelers are generally based on existing fleet size of mobile fuelers that are currently operating (e.g., Booster currently operates five mobile fuelers and intends to operate an additional six in the future). In addition, any other mobile fueling company that would enter the mobile fueling market is expected to have a similar fleet size of approximately ten mobile fueling trucks. A conservative factor of two has been used to estimate the total number of mobile fueler trucks that would be dispatched throughout facilities located in the South Coast AQMD jurisdiction where they would intermittently operate in order to dispense gasoline.

Table 2-7 presents the number of vehicle round trips that may occur on a peak day.

**Table 2-7  
Number of Mobile Fueler Truck Trips on a Peak Day by Trip Segment**

<b>Trip Segment</b>	<b>Vehicle Trips</b>
Mobile fueler from origin to fueling depot	42 Mobile Fueling Trucks
Mobile fueler from fueling depot to facility	42 Mobile Fueling Trucks
Mobile Fueler from facility to origin	42 Mobile Fueling Trucks
<b>Total</b>	<b>126 Mobile Fueler Trips by Segment</b>

For this analysis, 42 heavy-duty mobile fueling trucks are expected to be used on a peak day for mobile fueling operations.

In accordance with the promulgation of SB 743 which requires analyses of transportation impacts in CEQA documents to consider a project's vehicle miles traveled (VMT) in lieu of applying a LOS metric when determining significance for transportation impacts, CEQA Guidelines Section 15064.3(b)(4) gives a lead agency to use discretion to choose the most appropriate methodology to evaluate a project's VMT, allowing the metric to be expressed as a change in absolute terms, per capita, per household, or in any other measure.

The total truck trips by segment quantified represents a worst-case peak day of operation activities. On a peak day, during mobile fueling operations, these activities are estimated to result in 42 mobile fuelers driving 126 truck trip segments (three segments are driven during one round trip per mobile fueler) which is less than the threshold of 350 truck round trips per day. Relative to the amount of vehicle miles traveled (VMT), each vehicle visiting a stationary gas station is assumed to drive 0.1 mile as a pass-by trip per fueling event while the mobile fueler is assumed to drive approximately 30 miles per fueling event<sup>18</sup>. The proposed project is not expected to cause a significant adverse transportation impact. Therefore, the proposed project would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b). Further, because implementation of the proposed project would not alter any transportation plans, the proposed project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

**XVII. c) No Impact.** The proposed project does not involve or require the construction of new roadways, alter existing roadways, or introduce incompatible uses to existing roadways. Thus, there will be no change to current public roadway designs that could increase traffic hazards. Further, the proposed project is not expected to substantially increase traffic hazards or create incompatible uses at or adjacent to the facilities where mobile fuelers would operate. Therefore, no impact resulting from hazards due to design features or incompatible uses would occur and no mitigation measures are necessary.

<sup>18</sup> Per CalEEMod User's Guide Version 2020.4.0 (section 4.4.1 Vehicle Trips, pp. 36) pass-by trips are assumed to be 0.1 miles in length and are a result of no diversion from the primary route. <http://www.caleemod.com/>

**XVII. d) No Impact.** Since the proposed project includes the installation of vapor recovery systems, testing, and maintenance for mobile fuelers no changes are expected to emergency access at or in the vicinity of the facilities where mobile fuelers would intermittently operate. The proposed project does not contain any requirements specific to emergency access points and each facility where mobile fuelers would intermittently operate would be expected to continue to maintain their existing emergency access. Based on the preceding, no impact to emergency access would occur and no mitigation measures are necessary.

### **Conclusion**

Based upon these considerations, significant adverse transportation impacts are not expected from implementing the proposed project. Since no significant transportation impacts were identified, no mitigation measures are necessary or required.

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	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XVIII. WILDFIRE.</b> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildfires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Significance Criteria**

A project’s ability to contribute to a wildfire will be considered significant if the project is located in or near state responsibility areas or lands classified as very high fire hazard severity zones, and any of the following conditions are met:

- The project would substantially impair an adopted emergency response plan or emergency evacuation plan.
- The project may exacerbate wildfire risks by exposing the project’s occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.
- The project may exacerbate wildfire risks or may result in temporary or ongoing impacts to the environment because the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) are required.

- The project would expose people or structures to significant risks such as downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.
- The project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildfires.

### Discussion

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; 2) ~~the owner or operator of dispensing locations where mobile fuelers operate;~~ and 3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control equipment and it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**XVIII. a), b), c), d), & e) No Impact.** Implementation of the proposed project would neither require the construction of any new facilities nor result in the construction of any occupied buildings or structures. Thus, the proposed project is not expected to substantially impair an adopted emergency response plan or emergency evacuation plan. Further, the existing facilities where mobile fueling operations would intermittently occur are located in commercial or industrial areas, and not near wildlands. In the event of a wildfire, no exacerbation of wildfire risks, and no consequential exposure of the project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, or other factors would be expected to occur. Similarly, the proposed project does not contain any requirements for new facilities to be constructed. Thus, the proposed project would neither expose people or structures to new significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes, nor would it expose people or structures, either directly or indirectly, to a new significant risk of loss, injury or death involving wildfires. Finally, because the proposed project does not require any construction, the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment are not required.

### Conclusion

Based upon these considerations, significant adverse wildfire risks are not expected from implementing the proposed project. Since no significant wildfire risks were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b><u>XIX. MANDATORY FINDINGS OF SIGNIFICANCE.</u></b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

The proposed project applies to 1) an owner or operator of a mobile fueler that conducts retail or non-retail operations; ~~2) the owner or operator of dispensing locations where mobile fuelers operate;~~ and ~~3) any person who installs, repairs, maintains, supplies, sells, or offers for sale components of a mobile fueler, conducts any test for a mobile fueler, or manufacture~~ CARB-certified control equipment or the associated components thereof and is expected to reduce emissions from mobile fuelers through the establishment of requirements for the transfer, storage, and dispensing of gasoline during mobile fueling operations. The proposed project also establishes requirements for mobile fueling owners or operators to conduct testing, maintain records, and prepare reports. As detailed in Table 2-1, the components of the proposed project that would be expected to have physical effects as a result of implementing the proposed project are only expected to affect the topics of air quality and greenhouse gases, energy, hazards and hazardous materials, and transportation during operation. No construction activities are expected to occur as part of the proposed project because mobile fuelers are premanufactured with emissions control

equipment and it is unlikely that mobile fuelers would have control equipment installed or retrofitted after they are in operation. As such, the following responses to the checklist questions focus on the potential secondary adverse impacts associated with implementing the proposed project in order to minimize emissions of VOCs and TACs from mobile fueling operations.

**XIX. a) No Impact.** As explained in Section IV - Biological Resources, the proposed project is not expected to significantly adversely affect plant or animal species, or the habitat on which they rely because there are construction activities that would occur as a result of the proposed project and operational activities from mobile fueling are expected to intermittently occur within the boundaries of an existing developed facility in areas that have been greatly disturbed and that currently do not support any species of concern or the habitat on which they rely. For these reasons, the proposed project is not expected to reduce or eliminate any plant or animal species or destroy prehistoric records of the past.

**XIX. b) Less Than Significant Impact.** Based on the foregoing analyses, the proposed project would not result in significant adverse project-specific environmental impacts. Potential adverse impacts from implementing the proposed project would not be “cumulatively considerable” as defined by CEQA Guidelines Section 15064(h)(1) for any environmental topic because there are no, or only minor incremental project-specific impacts that were concluded to be less than significant. Per CEQA Guidelines Section 15064(h)(4), the mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project’s incremental effects are cumulative considerable. South Coast AQMD cumulative significant thresholds are the same as project-specific significance thresholds.

Therefore, there is no potential for significant adverse cumulative or cumulatively considerable impacts to be generated by the proposed project for any environmental topic.

**XIX. c) Less Than Significant Impact.** Based on the foregoing analyses, the proposed project is not expected to cause adverse effects on human beings for any environmental topic, either directly or indirectly because: 1) the air quality and GHG impacts were determined to be less than the significance thresholds as analyzed in Section III – Air Quality and Greenhouse Gases; 2) energy impacts were determined to be less than significant as analyzed in Section VI – Energy; 3) the hazards and hazardous materials impacts were determined to be less than significant as analyzed in Section VIII – Hazards and Hazardous Materials; and 4) transportation impacts were determined to be less than the significant as analyzed in Section XVII – Transportation. In addition, the analysis concluded that there would be no significant environmental impacts for the remaining environmental impact topic areas: aesthetics, agriculture and forestry resources, biological resources, cultural and tribal cultural resources, geology and soils, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, solid and hazardous waste, and wildfire.

## Conclusion

As previously discussed in environmental topics I through XIX, the proposed project has no potential to cause significant adverse environmental effects. Since no mitigation measures are necessary or required.

## **APPENDICES**

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### **Appendix A:**

**A1: Proposed Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations**

**A2: Proposed Amended Rule 461 – Gasoline Transfer and –Dispensing**

**A3: Proposed Amended Rule 219 – Equipment not Requiring a Written Permit Pursuant to Regulation II**

~~**A4: Proposed Amended Rule 222 – Filing Requirements for Specific Emissions Sources not Requiring a Written Permit Pursuant to Regulation II**~~

**Appendix B: Modeling Files, Assumptions, and Calculations**

**Appendix C: Comment Letters Received on the Draft SEA and Responses to Comments**

## **A1: Proposed Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations**

In order to save space and avoid repetition, please refer to the latest version of PR 461.1 located elsewhere in the Governing Board Package (meeting date January 7, 2022). The version of PR 461.1 that was circulated with the Draft EA for a 30-day public review and comment period which was released on November 24, 2021 and ending on December 24, 2021 was identified as the “Preliminary Draft Rule PR 461.1, revision date October 20, 2021”, which is available from the South Coast AQMD’s website at: [http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/461.1/par461-1\\_pdr1\\_102121.pdf](http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/461.1/par461-1_pdr1_102121.pdf). An original hard copy of the Draft EA, which included the draft version of PR 461.1 listed above, can be obtained through the South Coast AQMD Public Information Center by phone at (909) 396-2001 or by email at [PICrequests@aqmd.gov](mailto:PICrequests@aqmd.gov).

## **A2: Proposed Amended Rule 461 – Gasoline Transfer and Dispensing**

In order to save space and avoid repetition, please refer to the latest version of PAR 461 located elsewhere in the Governing Board Package (meeting date January 7, 2022). The version of PAR 461 that was circulated with the Draft EA for a 30-day public review and comment period which was released on November 24, 2021 and ending on December 24, 2021 was identified as the “Preliminary Draft Rule PAR 461, revision date October 20, 2021”, which is available from the South Coast AQMD’s website at: [http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/461.1/par461\\_pdr1\\_102121.pdf](http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/461.1/par461_pdr1_102121.pdf). An original hard copy of the Draft EA, which included the draft version of PAR 461 listed above, can be obtained through the South Coast AQMD Public Information Center by phone at (909) 396-2001 or by email at [PICrequests@aqmd.gov](mailto:PICrequests@aqmd.gov).

### **A3: Proposed Amended Rule 219 – Equipment not Requiring a Written Permit Pursuant to Regulation II**

In order to save space and avoid repetition, please refer to the latest version of PAR 219 located elsewhere in the Governing Board Package (meeting date January 7, 2022). The version of PAR 219 that was circulated with the Draft EA for a 30-day public review and comment period which was released on November 24, 2021 and ending on December 24, 2021 was identified as the “Preliminary Draft Rule PAR 219, revision date October 20, 2021”, which is available from the South Coast AQMD’s website at: [http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/461.1/par219\\_pdr1\\_102121.pdf](http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/461.1/par219_pdr1_102121.pdf). An original hard copy of the Draft EA, which included the draft version of PAR 219 listed above, can be obtained through the South Coast AQMD Public Information Center by phone at (909) 396-2001 or by email at [PICrequests@aqmd.gov](mailto:PICrequests@aqmd.gov).

#### **~~A4: Proposed Amended Rule 222 – Filing Requirements for Specific Emissions Sources not Requiring a Written Permit Pursuant to Regulation II~~**

PAR 222 is no longer part of the proposed project and therefore is not part of this Governing Board Package (meeting date January 7, 2022) or the Final Environmental Assessment. The version of PAR 222 that was circulated with the Draft EA for a 30-day public review and comment period which was released on November 24, 2021 and ending on December 24, 2021 was identified as the “Preliminary Draft Rule PAR 222, revision date October 20, 2021”, which is available from the South Coast AQMD’s website at: [http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/461.1/par222\\_pdrl\\_102121.pdf](http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/461.1/par222_pdrl_102121.pdf). An original hard copy of the Draft EA, which included the draft version of PAR 222 listed above, can be obtained through the South Coast AQMD Public Information Center by phone at (909) 396-2001 or by email at [PICrequests@aqmd.gov](mailto:PICrequests@aqmd.gov).

## **APPENDIX B**

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### **Modeling Files, Assumptions, and Calculations**

**Parameters**  
**1,200** Gallon Throughput per Peak Day (Basis: 720 Gallons Fueled by 1 MFOD in 3.80 hrs = 1200 Gallons in 6.33 hrs)  
**1** Number of MFOD Fuelings per Peak Day  
**6.33** Total Hours Idling per Peak Day

Criteria Pollutants	Limits	Greenhouse Gas	Limits
0.49 lb-NOx/peak day	55	4.51717839 MT-CO2e/yr - Idling	
0.95 lb-VOC/peak day	55	3.16295493 MT-CO2e/yr - Traffic	
0.00 lb-PM10/peak day	150	7.68013331 MT-CO2e/yr	10000
0.00 lb-PM2.5/peak day	55		
0.00 lb-SOx/peak day	150	<b>Diesel Usage</b>	
0.31 lb-CO/peak day	550	1659 gal/yr	

Zero Baseline, All New Emissions

MFOD Type B Process
MFOD Trip: Start to Terminal
Terminal Fueling
MFOD Trip: Terminal to Location
MF Fueling Customer
MFOD Trip: Location to Start

**Assumptions**

1 Type B Mobile Fueler Holds 1,200 Gallons and Spends 6.33 Hrs Fueling/Idling^  
 MFOD Trip: 30 mi^^

Emission Factors (lb/kgal except Hose Permeation and Idling lb/day)	Loading	Breathing	Refueling	Hose Permeation	Spillage	Fueling Subtotal (lb/day)	Idling while Fueling	Idling Subtotal (lb/day)	EMFAC 2017 (lb/mi)	Traffic Subtotal (lb/day)	Total (lb/day)
<b>NOx</b>											
Uncontrolled Emissions							0.4357	0.4357	0.001897632	0.056928947	0.4926
<b>VOC</b>											
Uncontrolled Emissions											
Control Efficiency											
Controlled Emissions		0.225	0.42	0.0268	0.12	0.9448	0.0075	0.0075	1.39548E-05	0.000418645	0.9527
<b>Benzene</b>											
Percentage of ROG	0.455%	0.455%	0.455%	0.455%	0.707%						
Controlled Emissions	0.000000	0.001024	0.001911	0.000122	0.000848	0.0047					0.0047
<b>Ethylbenzene</b>											
Percentage of ROG	0.107%	0.107%	0.107%	0.107%	1.290%						
Controlled Emissions	0.000000	0.000241	0.000449	0.000029	0.001548	0.0027					0.0027
<b>Naphthalene</b>											
Percentage of ROG	0.0004%	0.0004%	0.0004%	0.0004%	0.174%						
Controlled Emissions	0.00000000	0.00000090	0.00000168	0.00000011	0.000209	0.0003					0.0003
<b>PM10</b>											
Uncontrolled Emissions							0.0001	0.0001	1.21155E-05	0.000363464	0.0005
<b>PM2.5</b>											
Uncontrolled Emissions							0.0001	0.0001	1.15914E-05	0.000347741	0.0005
<b>SOx</b>											
Uncontrolled Emissions							0.0008	0.0008	1.87154E-05	0.000561461	0.0014
<b>CO</b>											
Uncontrolled Emissions							0.3032	0.3032	0.000136529	0.004095868	0.3073

**Parameters**  
**50,400** Gallon Throughput per Peak Day (Basis: 720 Gallons Fueled by 1 MFOD in 3.80 hrs = 1200 Gallons in 6.33 hrs)  
**42** Number of MFOD Fuelings per Peak Day  
**266.00** Total Hours Idling per Peak Day

Criteria Pollutants	Limits	Greenhouse Gas	Limits
20.6910 lb-NOx/peak day	55	189.721492 MT-CO2e/yr - Idling	
38.9145 lb-VOC/peak day	55	132.844107 MT-CO2e/yr - Traffic	
0.0202 lb-PM10/peak day	150	322.565599 MT-CO2e/yr	10000
0.0193 lb-PM2.5/peak day	55		
0.0580 lb-SOx/peak day	150	<b>Diesel Usage</b>	
12.9073 lb-CO/peak day	550	69682 gal/yr	

Zero Baseline, All New Emissions

MFOD Type B Process
MFOD Trip: Start to Terminal
Terminal Fueling
MFOD Trip: Terminal to Location
MF Fueling Customer
MFOD Trip: Location to Start

**Assumptions**

1 Type B Mobile Fueler Holds 1,200 Gallons and Spends 6.33 Hrs Fueling/Idling^  
 MFOD Trip: 30 mi^^

Emission Factors (lb/kgal except Hose Permeation and Idling lb/day)	Loading	Breathing	Refueling	Hose Permeation	Spillage	Fueling Subtotal (lb/day)	Idling while Fueling	Idling Subtotal (lb/day)	EMFAC 2017 (lb/mi)	Traffic Subtotal (lb/day)	Total (lb/day)
<b>NOx</b>											
Uncontrolled Emissions							18.2999	18.2999	0.001897632	2.391015784	20.6910
<b>VOC</b>											
Uncontrolled Emissions											
Control Efficiency											
Controlled Emissions		0.225	0.42	0.0268	0.12	38.5828	0.3142	0.3142	1.39548E-05	0.017583085	38.9145
<b>Benzene</b>											
Percentage of ROG	0.455%	0.455%	0.455%	0.455%	0.707%						
Controlled Emissions	0.000000	0.001024	0.001911	0.000122	0.000848	0.1908					0.1908
<b>Ethylbenzene</b>											
Percentage of ROG	0.107%	0.107%	0.107%	0.107%	1.290%						
Controlled Emissions	0.000000	0.000241	0.000449	0.000029	0.001548	0.1128					0.1128
<b>Naphthalene</b>											
Percentage of ROG	0.0004%	0.0004%	0.0004%	0.0004%	0.174%						
Controlled Emissions	0.00000000	0.00000090	0.00000168	0.00000011	0.000209	0.0107					0.0107
<b>PM10</b>											
Uncontrolled Emissions							0.0049	0.0049	1.21155E-05	0.015265496	0.0202
<b>PM2.5</b>											
Uncontrolled Emissions							0.0047	0.0047	1.15914E-05	0.014605118	0.0193
<b>SOx</b>											
Uncontrolled Emissions							0.0344	0.0344	1.87154E-05	0.02358135	0.0580
<b>CO</b>											
Uncontrolled Emissions							12.7352	12.7352	0.000136529	0.172026467	12.9073

	RUNNING (g/mi)						IDLING (g/day, day = 0.098 hrs)					
	VOC	PM10	PM2.5	CO	NOx	SOx	VOC	PM10	PM2.5	CO	NOx	SOx
T6 instate construction small	0.00633	0.005495	0.005258	0.061928	0.860751	0.008489	0.052499	0.000822	0.000787	2.12822	3.058156	0.005744

EMFAC2017 (v1.0.2) Emission Rates			CO2	CH4	N2O	CO2	CH4	N2O
Region Type: Air District			898.5586	0.000294	0.141241	595.6609	0.002291	0.09363

Region: SOUTH COAST AQMD

Calendar Year: 2021

Vehicle Classification: EMFAC2011 Categories

Units: miles/day for VMT, trips/day for Trips, g/mile for RUNEX, PMBW and PMTW, g/trip for STREX, HTSK and RUNLS, g/vehicle/day for IDLEX, RESTL and DIURN. Note 'day' in the unit is operation day.

Region	Calendar Y	Vehicle Category	Model Yea	Speed	Fuel	Populatio	VMT	Trips	NOx_RUNI	NOx_IDLE	PM2.5_RU	PM2.5_IDI	PM10_RUI	PM10_IDL	CO2_RUNI	CO2_IDLE	CH4_RUNI	CH4_IDLE	N2O_RUN	N2O_IDLE	ROG_RUN	ROG_IDLE	CO_RUNE	CO_IDLEX	SOx_RUNE	SOx_IDLEX	
Season: Winter																											
SOUTH CO	2021	T6 instate construction small	2018	Aggregate	DSL	708.3824	50199.92	3202.57	0.846361	3.058156	0.005258	0.000787	0.005495	0.000822	898.5586	607.9895	0.000294	0.002088	0.141241	0.095567	0.00633	0.044959	0.061928	2.12822	0.008489	0.005744	
Season: Summer																											
SOUTH CO	2021	T6 instate construction small	2018	Aggregate	DSL	708.3824	50199.92	3202.57	0.813109	2.708744	0.005258	0.000606	0.005495	0.000633	898.5586	586.7334	0.000294	0.002438	0.141241	0.092226	0.00633	0.052499	0.061928	2.06052	0.008489	0.005543	
Season: Annual																											
SOUTH CO	2021	T6 instate construction small	2018	Aggregate	DSL	708.3824	50199.92	3202.57	0.860751	2.855497	0.005258	0.000682	0.005495	0.000713	898.5586	595.6609	0.000294	0.002291	0.141241	0.09363	0.00633	0.049332	0.061928	2.088954	0.008489	0.005628	

**Model Parameters**

Modeled Source	Breathing (Regular)	Breathing (Reflectiv Refueling)	Spillage	Hose Permeation	Gas Cans	Exhaust Idling
Emission Rate	0.08 lb/1,000 gallons	0.053 lb/1,000 gallon	0.42 lb/1,000 gallons	0.12 lb/1,000 gallons	0.00112 lb/hr	8.4 lb/1,000 gallons
Model Source Type	Point	Point	Volume	Volume	Volume	Area
Length of Side			1.666 m	1.666 m	1.666 m	4 feet
Release Height			1 m	0 m	1 m	0.4 m
Initial Lateral Dimension (σy)	N/A		0.388 m	0.388 m	0.388 m	N/A
Initial Vertical Dimension (σz)	None		1.073 m	1.073 m	1.073 m	None
Stack Height	2.306 m	2.306 m				
Stack Diameter	10 in (0.254 m)	10 in (0.254 m)				
Exit Velocity	0.000014 m/s	0.0000894 m/s				
Temperature	Ambient Temp	291K				
Other Model Options						
Urban Population	2,035,210					
Meteorological Data	KONT	To represent worst case operations for a county				

Comparison of Emission Factors

Process	UST TOG EF (lbs/1000gal)	AST TOG EF (lbs/1000gal)	CARB
Loading	0.15	0.42	0.15
Breathing	0.024	0.053	0.024
Refueling	0.32	0.208	0.021
Hose Permeation	0.009	0	0.009
Spillage	0.24	0.42	0.24

0.42 for non-ORVR 2017 and after

Bulk transfer  
Pressure drive losses

**Emission Factors**

Process	TOG EF (lbs/1000gal)	Benzene wt %	Benzene EF (lbs/1000gal)	Ethylbenzene wt %	Ethylbenzene EF (lbs/1000gal)	Naphthalene wt %	Naphthalene EF (lbs/1000gal)	Comments
Gas cans	8.4	0.46%	0.03822	0.107%	0.008988	0.0004%	0.0000336	Uncontrolled Refueling
Breathing (Reg)	0.08	0.46%	0.000364	0.107%	0.0000856	0.0004%	0.00000032	From AP-42 Transit losses
Breathing (Ref)	0.053	0.46%	0.00024115	0.107%	0.0000567	0.0004%	0.000000212	For Booster reflective trucks
Refueling	0.42	0.46%	0.0019110	0.107%	0.0004494	0.0004%	0.00000168	95% control only
Spillage	0.12	0.71%	0.0008484	1.290%	0.0015480	0.1740%	0.0002088	Per EO
	TOG EF (lb/day)		Benzene EF (lbs/day)		Ethylbenzene EF (lbs/day)		Naphthalene EF (lbs/day)	
Hose Permeation	0.0268	0.46%	0.0001219	0.107%	0.0000287	0.0004%	1.072E-07	Based on daily rate
Idling	0.000386252	DPM						Based on 24 hours of idling
Idling	4.82815E-05	DPM						Based on 3 hours of idling

Assume gas cans account for 4% of fueling at a location

Note: Although the speciation profile shows 0.36 wt% for benzene, 0.30 wt% was used to be consistent with CAPCOA

**Emissions for 1 MM gallons/year Operation (normalized)**

Process	Benzene Q (lb/hr)	Ethylbenzene Q (lb/hr)	Naphthalene Q (lb/hr)	DPM Q (lb/hr)	
Gas Cans	4.363E-03	1.026E-03	3.836E-06	0.000E+00	
Breathing (Reg)	4.155E-05	9.772E-06	3.653E-08	0.000E+00	
Breathing (Ref)	2.753E-05	6.474E-06	2.420E-08	0.000E+00	
Refueling	2.182E-04	5.130E-05	1.918E-07	0.000E+00	
Spillage	9.685E-05	1.767E-04	2.384E-05	0.000E+00	
Hose Permeation	5.081E-06	1.195E-06	4.467E-09	0.000E+00	
Idling	0.000E+00	0.000E+00	0.000E+00	1.609E-05	24 hours
Idling	0.000E+00	0.000E+00	0.000E+00	2.012E-06	3 hours

X	Y	AVERAGE	ZFLAG	AVE	AVERAGE	ZFLAG	AVE	AVERAGE	ZFLAG	AVE	AVERAGE	ZFLAG	AVE	AVERAGE	ZFLAG	AVE	AVERAGE	ZFLAG	AVE	AVERAGE	ZFLAG	AVE	AVERAGE	ZFLAG	AVE															
		<b>8.71E-02</b>				<b>6.09E-02</b>				<b>6.32E-03</b>				<b>1.21E-03</b>				<b>2.87E-04</b>				<b>1.07E-06</b>				<b>6.19E-01</b>				<b>2.13E-01</b>				<b>1.39E-03</b>						
4.3412	24.62019	3.11E-02	PERIOD	BZ_GAL_P	2.09E-02	PERIOD	EB_GAL_P	2.12E-03	PERIOD	NP_GAL_P	4.41E-04	PERIOD	BZ_DAY	1.04E-04	PERIOD	EB_DAY	3.89E-07	PERIOD	NP_DAY	1.04E-01	PERIOD	BZ_CANS	4.27E-02	PERIOD	EB_CANS	2.79E-04	PERIOD	NP_CANS	1.29E-01	PERIOD	BZ_CANS	5.31E-02	PERIOD	EB_CANS	3.47E-04	PERIOD	NP_CANS	3.47E-04	PERIOD	NP_CANS
8.5505	23.49232	3.43E-02	PERIOD	BZ_GAL_P	2.30E-02	PERIOD	EB_GAL_P	2.33E-03	PERIOD	NP_GAL_P	4.88E-04	PERIOD	BZ_DAY	1.15E-04	PERIOD	EB_DAY	4.29E-07	PERIOD	NP_DAY	1.29E-01	PERIOD	BZ_CANS	5.31E-02	PERIOD	EB_CANS	3.47E-04	PERIOD	NP_CANS	1.29E-01	PERIOD	BZ_CANS	5.31E-02	PERIOD	EB_CANS	3.47E-04	PERIOD	NP_CANS	3.47E-04	PERIOD	NP_CANS
12.5	21.65064	4.03E-02	PERIOD	BZ_GAL_P	2.69E-02	PERIOD	EB_GAL_P	2.72E-03	PERIOD	NP_GAL_P	5.74E-04	PERIOD	BZ_DAY	1.36E-04	PERIOD	EB_DAY	5.05E-07	PERIOD	NP_DAY	1.71E-01	PERIOD	BZ_CANS	7.04E-02	PERIOD	EB_CANS	4.60E-04	PERIOD	NP_CANS	1.71E-01	PERIOD	BZ_CANS	7.04E-02	PERIOD	EB_CANS	4.60E-04	PERIOD	NP_CANS	4.60E-04	PERIOD	NP_CANS
16.09699	19.15111	5.08E-02	PERIOD	BZ_GAL_P	3.40E-02	PERIOD	EB_GAL_P	3.45E-03	PERIOD	NP_GAL_P	7.24E-04	PERIOD	BZ_DAY	1.71E-04	PERIOD	EB_DAY	6.38E-07	PERIOD	NP_DAY	2.43E-01	PERIOD	BZ_CANS	1.00E-01	PERIOD	EB_CANS	6.55E-04	PERIOD	NP_CANS	2.43E-01	PERIOD	BZ_CANS	1.00E-01	PERIOD	EB_CANS	6.55E-04	PERIOD	NP_CANS	6.55E-04	PERIOD	NP_CANS
19.15111	16.09699	6.55E-02	PERIOD	BZ_GAL_P	4.45E-02	PERIOD	EB_GAL_P	4.54E-03	PERIOD	NP_GAL_P	9.26E-04	PERIOD	BZ_DAY	2.19E-04	PERIOD	EB_DAY	8.14E-07	PERIOD	NP_DAY	3.49E-01	PERIOD	BZ_CANS	1.44E-01	PERIOD	EB_CANS	9.41E-04	PERIOD	NP_CANS	3.49E-01	PERIOD	BZ_CANS	1.44E-01	PERIOD	EB_CANS	9.41E-04	PERIOD	NP_CANS	9.41E-04	PERIOD	NP_CANS
21.65064	12.5	7.97E-02	PERIOD	BZ_GAL_P	5.52E-02	PERIOD	EB_GAL_P	5.69E-03	PERIOD	NP_GAL_P	1.12E-03	PERIOD	BZ_DAY	2.64E-04	PERIOD	EB_DAY	9.82E-07	PERIOD	NP_DAY	4.59E-01	PERIOD	BZ_CANS	1.89E-01	PERIOD	EB_CANS	1.24E-03	PERIOD	NP_CANS	4.59E-01	PERIOD	BZ_CANS	1.89E-01	PERIOD	EB_CANS	1.24E-03	PERIOD	NP_CANS	1.24E-03	PERIOD	NP_CANS
23.49232	8.5505	8.71E-02	PERIOD	BZ_GAL_P	6.09E-02	PERIOD	EB_GAL_P	6.32E-03	PERIOD	NP_GAL_P	1.21E-03	PERIOD	BZ_DAY	2.87E-04	PERIOD	EB_DAY	1.07E-06	PERIOD	NP_DAY	5.19E-01	PERIOD	BZ_CANS	2.13E-01	PERIOD	EB_CANS	1.39E-03	PERIOD	NP_CANS	5.19E-01	PERIOD	BZ_CANS	2.13E-01	PERIOD	EB_CANS	1.39E-03	PERIOD	NP_CANS	1.39E-03	PERIOD	NP_CANS
24.62019	4.3412	8.38E-02	PERIOD	BZ_GAL_P	5.84E-02	PERIOD	EB_GAL_P	6.05E-03	PERIOD	NP_GAL_P	1.17E-03	PERIOD	BZ_DAY	2.76E-04	PERIOD	EB_DAY	1.03E-06	PERIOD	NP_DAY	4.89E-01	PERIOD	BZ_CANS	2.01E-01	PERIOD	EB_CANS	1.32E-03	PERIOD	NP_CANS	4.89E-01	PERIOD	BZ_CANS	2.01E-01	PERIOD	EB_CANS	1.32E-03	PERIOD	NP_CANS	1.32E-03	PERIOD	NP_CANS
25	0	7.15E-02	PERIOD	BZ_GAL_P	4.91E-02	PERIOD	EB_GAL_P	5.04E-03	PERIOD	NP_GAL_P	1.01E-03	PERIOD	BZ_DAY	2.38E-04	PERIOD	EB_DAY	8.85E-07	PERIOD	NP_DAY	3.87E-01	PERIOD	BZ_CANS	1.59E-01	PERIOD	EB_CANS	1.04E-03	PERIOD	NP_CANS	3.87E-01	PERIOD	BZ_CANS	1.59E-01	PERIOD	EB_CANS	1.04E-03	PERIOD	NP_CANS	1.04E-03	PERIOD	NP_CANS
24.62019	-4.3412	5.62E-02	PERIOD	BZ_GAL_P	3.79E-02	PERIOD	EB_GAL_P	3.85E-03	PERIOD	NP_GAL_P	7.99E-04	PERIOD	BZ_DAY	1.89E-04	PERIOD	EB_DAY	7.02E-07	PERIOD	NP_DAY	2.66E-01	PERIOD	BZ_CANS	1.09E-01	PERIOD	EB_CANS	7.16E-04	PERIOD	NP_CANS	2.66E-01	PERIOD	BZ_CANS	1.09E-01	PERIOD	EB_CANS	7.16E-04	PERIOD	NP_CANS	7.16E-04	PERIOD	NP_CANS
23.49232	-8.5505	4.37E-02	PERIOD	BZ_GAL_P	2.91E-02	PERIOD	EB_GAL_P	2.95E-03	PERIOD	NP_GAL_P	6.24E-04	PERIOD	BZ_DAY	1.47E-04	PERIOD	EB_DAY	5.48E-07	PERIOD	NP_DAY	1.73E-01	PERIOD	BZ_CANS	7.10E-02	PERIOD	EB_CANS	4.65E-04	PERIOD	NP_CANS	1.73E-01	PERIOD	BZ_CANS	7.10E-02	PERIOD	EB_CANS	4.65E-04	PERIOD	NP_CANS	4.65E-04	PERIOD	NP_CANS
21.65064	-12.5	3.63E-02	PERIOD	BZ_GAL_P	2.42E-02	PERIOD	EB_GAL_P	2.45E-03	PERIOD	NP_GAL_P	5.17E-04	PERIOD	BZ_DAY	1.22E-04	PERIOD	EB_DAY	4.54E-07	PERIOD	NP_DAY	1.20E-01	PERIOD	BZ_CANS	4.94E-02	PERIOD	EB_CANS	3.24E-04	PERIOD	NP_CANS	1.20E-01	PERIOD	BZ_CANS	4.94E-02	PERIOD	EB_CANS	3.24E-04	PERIOD	NP_CANS	3.24E-04	PERIOD	NP_CANS
19.15111	-16.09699	3.28E-02	PERIOD	BZ_GAL_P	2.21E-02	PERIOD	EB_GAL_P	2.24E-03	PERIOD	NP_GAL_P	4.66E-04	PERIOD	BZ_DAY	1.10E-04	PERIOD	EB_DAY	4.10E-07	PERIOD	NP_DAY	1.10E-01	PERIOD	BZ_CANS	4.01E-02	PERIOD	EB_CANS	2.62E-04	PERIOD	NP_CANS	1.10E-01	PERIOD	BZ_CANS	4.01E-02	PERIOD	EB_CANS	2.62E-04	PERIOD	NP_CANS	2.62E-04	PERIOD	NP_CANS
16.09699	-19.15111	3.16E-02	PERIOD	BZ_GAL_P	2.13E-02	PERIOD	EB_GAL_P	2.16E-03	PERIOD	NP_GAL_P	4.48E-04	PERIOD	BZ_DAY	1.06E-04	PERIOD	EB_DAY	3.93E-07	PERIOD	NP_DAY	9.07E-02	PERIOD	BZ_CANS	3.73E-02	PERIOD	EB_CANS	2.44E-04	PERIOD	NP_CANS	9.07E-02	PERIOD	BZ_CANS	3.73E-02	PERIOD	EB_CANS	2.44E-04	PERIOD	NP_CANS	2.44E-04	PERIOD	NP_CANS
12.5	-21.65064	3.12E-02	PERIOD	BZ_GAL_P	2.11E-02	PERIOD	EB_GAL_P	2.15E-03	PERIOD	NP_GAL_P	4.43E-04	PERIOD	BZ_DAY	1.04E-04	PERIOD	EB_DAY	3.89E-07	PERIOD	NP_DAY	9.18E-02	PERIOD	BZ_CANS	3.78E-02	PERIOD	EB_CANS	2.47E-04	PERIOD	NP_CANS	9.18E-02	PERIOD	BZ_CANS	3.78E-02	PERIOD	EB_CANS	2.47E-04	PERIOD	NP_CANS	2.47E-04	PERIOD	NP_CANS
8.5505	-23.49232	3.14E-02	PERIOD	BZ_GAL_P	2.12E-02	PERIOD	EB_GAL_P	2.16E-03	PERIOD	NP_GAL_P	4.45E-04	PERIOD	BZ_DAY	1.05E-04	PERIOD	EB_DAY	3.91E-07	PERIOD	NP_DAY	9.76E-02	PERIOD	BZ_CANS	4.02E-02	PERIOD	EB_CANS	2.63E-04	PERIOD	NP_CANS	9.76E-02	PERIOD	BZ_CANS	4.02E-02	PERIOD	EB_CANS	2.63E-04	PERIOD	NP_CANS	2.63E-04	PERIOD	NP_CANS
4.3412	-24.62019	3.19E-02	PERIOD	BZ_GAL_P	2.15E-02	PERIOD	EB_GAL_P	2.19E-03	PERIOD	NP_GAL_P	4.53E-04	PERIOD	BZ_DAY	1.07E-04	PERIOD	EB_DAY	3.98E-07	PERIOD	NP_DAY	1.08E-01	PERIOD	BZ_CANS	4.45E-02	PERIOD	EB_CANS	2.91E-04	PERIOD	NP_CANS	1.08E-01	PERIOD	BZ_CANS	4.45E-02	PERIOD	EB_CANS	2.91E-04	PERIOD	NP_CANS	2.91E-04	PERIOD	NP_CANS
0	-25	3.29E-02	PERIOD	BZ_GAL_P	2.22E-02	PERIOD	EB_GAL_P	2.26E-03	PERIOD	NP_GAL_P	4.67E-04	PERIOD	BZ_DAY	1.10E-04	PERIOD	EB_DAY	4.10E-07	PERIOD	NP_DAY	1.25E-01	PERIOD	BZ_CANS	5.13E-02	PERIOD	EB_CANS	3.36E-04	PERIOD	NP_CANS	1.25E-01	PERIOD	BZ_CANS	5.13E-02	PERIOD	EB_CANS	3.36E-04	PERIOD	NP_CANS	3.36E-04	PERIOD	NP_CANS
-4.3412	-24.62019	3.43E-02	PERIOD	BZ_GAL_P	2.32E-02	PERIOD	EB_GAL_P	2.37E-03	PERIOD	NP_GAL_P	4.87E-04	PERIOD	BZ_DAY	1.15E-04	PERIOD	EB_DAY	4.28E-07	PERIOD	NP_DAY	1.48E-01	PERIOD	BZ_CANS	6.08E-02	PERIOD	EB_CANS	3.98E-04	PERIOD	NP_CANS	1.48E-01	PERIOD	BZ_CANS	6.08E-02	PERIOD	EB_CANS	3.98E-04	PERIOD	NP_CANS	3.98E-04	PERIOD	NP_CANS
-8.5505	-23.49232	3.80E-02	PERIOD	BZ_GAL_P	2.44E-02	PERIOD	EB_GAL_P	2.50E-03	PERIOD	NP_GAL_P	5.09E-04	PERIOD	BZ_DAY	1.20E-04	PERIOD	EB_DAY	4.47E-07	PERIOD	NP_DAY	1.74E-01	PERIOD	BZ_CANS	7.15E-02	PERIOD	EB_CANS	4.68E-04	PERIOD	NP_CANS	1.74E-01	PERIOD	BZ_CANS	7.15E-02	PERIOD	EB_CANS	4.68E-04	PERIOD	NP_CANS	4.68E-04	PERIOD	NP_CANS
-12.5	-21.65064	3.73E-02	PERIOD	BZ_GAL_P	2.55E-02	PERIOD	EB_GAL_P	2.61E-03	PERIOD	NP_GAL_P	5.26E-04	PERIOD	BZ_DAY	1.24E-04	PERIOD	EB_DAY	4.63E-07	PERIOD	NP_DAY	1.96E-01	PERIOD	BZ_CANS	8.06E-02	PERIOD	EB_CANS	5.27E-04	PERIOD	NP_CANS	1.96E-01	PERIOD	BZ_CANS	8.06E-02	PERIOD	EB_CANS	5.27E-04	PERIOD	NP_CANS	5.27E-04	PERIOD	NP_CANS
-16.09699	-19.15111	3.78E-02	PERIOD	BZ_GAL_P	2.58E-02	PERIOD	EB_GAL_P	2.64E-03	PERIOD	NP_GAL_P	5.32E-04	PERIOD	BZ_DAY	1.26E-04	PERIOD	EB_DAY	4.68E-07	PERIOD	NP_DAY	2.06E-01	PERIOD	BZ_CANS	8.48E-02	PERIOD	EB_CANS	5.55E-04	PERIOD	NP_CANS	2.06E-01	PERIOD	BZ_CANS	8.48E-02	PERIOD	EB_CANS	5.55E-04	PERIOD	NP_CANS	5.55E-04	PERIOD	NP_CANS
-19.15111	-16.09699	3.70E-02	PERIOD	BZ_GAL_P	2.52E-02	PERIOD	EB_GAL_P	2.58E-03	PERIOD	NP_GAL_P	5.23E-04	PERIOD	BZ_DAY	1.23E-04	PERIOD	EB_DAY	4.60E-07	PERIOD	NP_DAY	2.01E-01	PERIOD	BZ_CANS	8.29E-02	PERIOD	EB_CANS	5.42E-04	PERIOD	NP_CANS	2.01E-01	PERIOD	BZ_CANS	8.29E-02	PERIOD	EB_CANS	5.42E-04	PERIOD	NP_CANS	5.42E-04	PERIOD	NP_CANS
-21.65064	-12.5	3.53E-02	PERIOD	BZ_GAL_P	2.39E-02	PERIOD	EB_GAL_P	2.44E-03	PERIOD	NP_GAL_P	5.00E-04	PERIOD	BZ_DAY	1.18E-04	PERIOD	EB_DAY	4.39E-07	PERIOD	NP_DAY	1.84E-01	PERIOD	BZ_CANS	7.58E-02	PERIOD	EB_CANS	4.96E-04	PERIOD	NP_CANS	1.84E-01	PERIOD	BZ_CANS	7.58E-02	PERIOD	EB_CANS	4.96E-04	PERIOD	NP_CANS	4.96E-04	PERIOD	NP_CANS
-23.49232	-8.5505	3.31E-02	PERIOD	BZ_GAL_P	2.24E-02	PERIOD	EB_GAL_P	2.28E-03	PERIOD	NP_GAL_P	4.70E-04	PERIOD	BZ_DAY	1.11E-04	PERIOD	EB_DAY	4.13E-07	PERIOD	NP_DAY	1.62E-01	PERIOD	BZ_CANS	6.65E-02	PERIOD	EB_CANS	4.35E-04	PERIOD	NP_CANS	1.62E-01	PERIOD	BZ_CANS	6.65E-02	PERIOD	EB_CANS	4.35E-04	PERIOD	NP_CANS	4.35E-04	PERIOD	NP_CANS
-24.62019	-4.3412	3.11E-02	PERIOD	BZ_GAL_P	2.10E-02	PERIOD	EB_GAL_P	2.13E-03	PERIOD	NP_GAL_P	4.41E-04	PERIOD	BZ_DAY	1.04E-04	PERIOD	EB_DAY	3.88E-07	PERIOD	NP_DAY	1.39E-01	PERIOD	BZ_CANS	5.72E-02	PERIOD	EB_CANS	3.74E-04	PERIOD	NP_CANS	1.39E-01	PERIOD	BZ_CANS	5.72E-02	PERIOD	EB_CANS	3.74E-04	PERIOD	NP_CANS	3.74E-04	PERIOD	NP_CANS
-25	0	2.96E-02	PERIOD	BZ_GAL_P	1.99E-02	PERIOD	EB_GAL_P	2.02E-03	PERIOD	NP_GAL_P	4.19E-04	PERIOD	BZ_DAY	9.90E-05	PERIOD	EB_DAY	3.69E-07	PERIOD	NP_DAY	1.19E-01	PERIOD	BZ_CANS	4.90E-02	PERIOD	EB_CANS	3.20E-04	PERIOD	NP_CANS	1.19E-01	PERIOD	BZ_CANS	4.90E-02	PERIOD	EB_CANS	3.20E-04	PERIOD	NP_CANS	3.20E-04	PERIOD	NP_CANS
-24.62019	4.3412	2.85E-02	PERIOD	BZ_GAL_P	1.92E-02	PERIOD	EB_GAL_P	1.95E-03	PERIOD																															

## **APPENDIX C**

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### **Comment Letters Received on the Draft SEA and Responses to Comments**

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## CHAPTER 1 INTRODUCTION

### 1.1 OVERVIEW

This appendix to the Final EA has been prepared in accordance with the California Environmental Quality Act (CEQA) and the South Coast Air Quality Management District's (South Coast AQMD) Certified Regulatory Program Guidelines. Public Resources Code Section 21080.5(d)(2)(D), CEQA Guidelines Section 15251(l), and South Coast AQMD's Certified Regulatory Program (Codified under Rule 110) require that the final action on PR 461.1 and PARs 461 and 219 include written responses to issues raised during the public process. South Coast AQMD Rule 110 (the rule which codifies and implements the South Coast AQMD's certified regulatory program) does not impose any greater requirements for summarizing and responding to comments than is required for an environmental impact report under CEQA.

### 1.2 CEQA PROCESS OF THE DRAFT EA

The Draft Environmental Assessment (EA) was released for a 30-day public review and comment period that started on Wednesday, November 24, 2022 and ended at 5:00 p.m. on Friday, December 24, 2021. A Notice of Completion (NOC) was uploaded to the Governor's Office of Planning and Research (OPR) CEQA Submit Database (State Clearinghouse [SCH] # 2021110387) and posted on the State Clearinghouse's CEQAnet Web Portal at: <https://ceqanet.opr.ca.gov/2021110387>. In addition, the NOC and Draft EA were filed and posted with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino counties. The NOC was distributed using electronic mail to various government agencies and other interested agencies, organizations, and individuals (collectively referred to as the public). The NOC was also provided to all California Native American Tribes (Tribes) that requested to be on the Native American Heritage Commission's (NAHC) notification list per Public Resources Code Section 21080.3.1 (b)(1). The NAHC notification list provides a 30-day period during which a Tribe may respond to the formal notice, in writing, requesting consultation on the Draft EA. Additionally, the NOC was published in the Los Angeles Times on Wednesday, November 24, 2021. The Draft EA was posted on South Coast AQMD's website at: <http://www.aqmd.gov/home/research/documents-reports/lead-agency-scaqmd-projects>.

### 1.3 LIST OF COMMENTERS

A total of two comment letters were received by South Coast AQMD during the public review and comment period on the Draft EA. This appendix (C) contains responses to those comments received on the Draft EA. Response to comments received on the proposed rule language can be found in Appendix A of the Final Staff Report.

For the purposes of identifying and responding to comments on the Draft EA, comment letters are assigned a number (top left-hand corner of the first page of each letter) and each comment within each letter is assigned a bracketed comment number. The following is a list of comment letters received relative to the Draft EA along with the date the comment was submitted.

<b>Number Reference</b>	<b>Comment Letter</b>	<b>Date of Comment</b>	<b>Page No.</b>
<b>Comment Letters Received During the Public Review Period</b>			
1	Santa Ynez Band of Chumash Indians	December 6, 2021	2-2
2	San Manuel Band of Mission Indians	December 14, 2021	2-4

Where Pursuant to CEQA Guidelines Section 15088(a) and South Coast AQMD Rule 110(d), South Coast AQMD is required to evaluate and provide written responses to only the comments received during the public comment period of the EA which raise significant environmental issues. South Coast AQMD staff has reviewed the comments submitted, updated the EA to reflect the responses to the comments, and determined that none of the comments raise significant environmental issues and none of the revisions to the EA contain the type of significant new information that requires recirculation of the Draft EA for further public comment under CEQA Guidelines Sections 15073.5 and 15088.5. Further, none of the comments indicate that the proposed project will result in a significant new environmental impact not previously disclosed in the Draft EA. Additionally, none of comments indicate that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation as described in CEQA Guidelines Sections 15073.5 and 15088.5.

#### **1.4 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES**

CEQA Guidelines Section 15204 (b) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of the Draft EA should be “on the proposed finding that the project will not have a significant effect on the environment.” If persons and public agencies believe that the project may have a significant effect, they should (1) identify the specific effect, (2) explain why they believe the effect would occur, and (3) explain why they believe the effect would be significant. Comments are most helpful when they are as specific as possible. At the same time, reviewers should be aware that CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.

CEQA Guidelines Section 15204 (c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Section 15204 (e) also states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

Written responses have been prepared consistent with Section 15088 of Title 14 of the California Code of Regulations. Pursuant to this section, the level of detail contained in the response may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general).

## **CHAPTER 2 COMMENT LETTERS AND RESPONSES**

### **2.1 COMMENT LETTERS RECEIVED DURING THE PUBLIC REVIEW PERIOD**

This section includes responses to the two comment letters received by South Coast AQMD during the public review and comment period. The 30-day public review and comment period started on Wednesday, November 24, 2021 and ended at 5:00 p.m. on Friday, December 24, 2021.

**COMMENT LETTER #1 – Santa Ynez Band of Chumash Indians (page 1 of 1)**



**Santa Ynez Band of Chumash Indians  
Tribal Elders' Council**

P.O. Box 517 ♦ Santa Ynez ♦ CA ♦ 93460

Phone: (805)688-7997 ♦ Fax: (805)688-9578 ♦ Email: [elders@santaynezchumash.org](mailto:elders@santaynezchumash.org)

December 6, 2021

South Coast  
Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765-4178

Att.: Ryan Banuelos, C/O Planning/ CEQA

Re: Draft Environmental Assessment and Opportunity for Public Comment Proposed  
Amended Rule 461.1, 461,219,222

Dear Mr. Banuelos:

Thank you for contacting the Tribal Elders' Council for the Santa Ynez Band of Chumash Indians.

At this time, the Elders' Council requests no further consultation on this project; however, we understand that as part of NHPA Section 106, we must be notified of the project.

Thank you for remembering that at one time our ancestors walked this sacred land.

Sincerely Yours,

Kelsie Shroll  
Administrative Assistant | Elders' Council and Culture Department  
Santa Ynez Band of Chumash Indians | Tribal Hall  
(805) 688-7997 ext. 7516  
[kshroll@santaynezchumash.org](mailto:kshroll@santaynezchumash.org)

1-1

**RESPONSE TO COMMENT LETTER #1 – Santa Ynez Band of Chumash Indians, from Kelsie Shroll, dated December 6, 2021**

Dear Mr. Banuelos:

Thank you for contacting the Tribal Elders' Council for the Santa Ynez Band of Chumash Indians.

At this time, the Elders' Council requests no further consultation on this project; however, we understand that as part of NHPA Section 106, we must be notified of the project.

Thank you for remembering that at one time our ancestors walked this sacred land.

1-1

**Response 1.1**

The South Coast AQMD provided a formal notice of the proposed project to all California Native American Tribes that either requested to be on the Native American Heritage Commission's (NAHC) notification list or South Coast AQMD's mailing list per Public Resources Code Section 21080.3.1(b)(1) and a notice of the proposed project was provided to the commenter. These notices provide an opportunity for California Native American Tribes to request a consultation with the South Coast AQMD if potentially significant adverse impacts to Tribal cultural resources are identified. The Final EA for the proposed project did not identify any potentially significant adverse impacts to Tribal cultural resources and the commenter requests no further consultation, unless additional information or the scope of work changes. Further, the South Coast AQMD did not receive any consultation requests from any California Native American Tribes, including the commenter, relative to the proposed project. Since this comment does not raise any issues relative to Tribal cultural resources during the comment period for the Draft EA, no further response is necessary under CEQA.

**COMMENT LETTER #2 – San Manuel Band of Mission Indians (page 1 of 1)**

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**From:** Ryan Nordness <Ryan.Nordness@sanmanuel-nsn.gov>  
**Sent:** Tuesday, December 14, 2021 1:37 PM  
**To:** Ryan Banuelos  
**Subject:** RE: CEQA Notice for the South Coast Quality Management District, Proposed Gasoline Transfer for Mobile Fueling Operations

Thank you for contacting the San Manuel Band of Mission Indians (SMBMI) regarding the above referenced project. SMBMI appreciates the opportunity to review the project documentation, which was received by our Cultural Resources Management Department on November 30<sup>th</sup>, pursuant to CEQA (as amended, 2015) and CA PRC 21080.3.1. The proposed project area exists within Serrano ancestral territory and, therefore, is of interest to the Tribe. However, due to the nature and location of the proposed project, and given the CRM Department’s present state of knowledge, SMBMI does not have any concerns with the project’s implementation, as planned, at this time.

2-1

Please provide the final copy of the project/permit/plan conditions so that SMBMI may review the included language. This communication concludes SMBMI’s input on this project, at this time, and no additional consultation pursuant to CEQA is required unless there is an unanticipated discovery of cultural resources during project implementation. If you should have any further questions with regard to this matter, please do not hesitate to contact me at your convenience, as I will be your Point of Contact (POC) for SMBMI with respect to this project.

Respectfully,  
 Ryan Nordness

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination or copying of this communication is strictly prohibited. If you have received this electronic transmission in error, please delete it from your system without copying it and notify the sender by reply e-mail so that the email address record can be corrected. Thank You

## RESPONSE TO COMMENT LETTER #2 –San Manuel Band of Mission Indians, from Ryan Nordness, dated December 14, 2021

Thank you for contacting the San Manuel Band of Mission Indians (SMBMI) regarding the above referenced project. SMBMI appreciates the opportunity to review the project documentation, which was received by our Cultural Resources Management Department on November 30<sup>th</sup>, pursuant to CEQA (as amended, 2015) and CA PRC 21080.3.1. The proposed project area exists within Serrano ancestral territory and, therefore, is of interest to the Tribe. However, due to the nature and location of the proposed project, and given the CRM Department's present state of knowledge, SMBMI does not have any concerns with the project's implementation, as planned, at this time.

2-1

Please provide the final copy of the project/permit/plan conditions so that SMBMI may review the included language. This communication concludes SMBMI's input on this project, at this time, and no additional consultation pursuant to CEQA is required unless there is an unanticipated discovery of cultural resources during project implementation. If you should have any further questions with regard to this matter, please do not hesitate to contact me at your convenience, as I will be your Point of Contact (POC) for SMBMI with respect to this project.

### Response 2.1

The South Coast AQMD provided a formal notice of the proposed project to all California Native American Tribes that either requested to be on the Native American Heritage Commission's (NAHC) notification list or South Coast AQMD's mailing list per Public Resources Code Section 21080.3.1(b)(1) and a notice of the proposed project was provided to the commenter. These notices provide an opportunity for California Native American Tribes to request a consultation with the South Coast AQMD if potentially significant adverse impacts to Tribal cultural resources are identified. The Final EA for the proposed project did not identify any potentially significant adverse impacts to Tribal cultural resources and the commenter requests no further consultation, unless additional information or the scope of work changes. Further, the South Coast AQMD did not receive any consultation requests from any California Native American Tribes, including the commenter, relative to the proposed project. Since this comment does not raise any issues relative to Tribal cultural resources during the comment period for the Draft EA, no further response is necessary under CEQA.



# Proposed Rule 461.1

Gasoline Transfer and Dispensing for Mobile Fueling Operations

# Proposed Amended Rule 461

Gasoline Transfer and Dispensing

# Proposed Amended Rule 219

Equipment Not Requiring a Written Permit Pursuant to Regulation II

## Board Meeting

January 7, 2022



# Background

- Rule 461 – Regulates stationary and mobile gasoline dispensing operations
- Vapor controls needed to control VOC and benzene emissions
- Over the past several years retail mobile fueling has been emerging and some mobile fuelers have no vapor controls
- Proposed Rule 461.1 will establish requirements for retail and non-retail mobile fueling operations
- PR 461.1 was developed through a public process
  - Nine Working Group Meetings
  - One Public Workshop



# Overview of Proposed Rules

## PAR 461

Moves mobile fueling requirements into PR 461.1

No changes to transfer and dispensing for stationary gasoline dispensing facilities

Move

## PR 461.1

Establishes requirements for retail and non-retail mobile fueling operations

## PAR 219

Revises mobile fueling permitting thresholds  
**Retail:** Permit required if greater than 10 gallons  
**Non-Retail:** Permit required if greater than 120 gallons

# Overview of PR 461.1

- Applies to owners or operators of:
  - Retail mobile fuelers – greater than 10 gallons
  - Non-Retail mobile fuelers – greater than 120 gallons
- Provisions generally based on Rule 461
  - All vapor recovery equipment must be CARB certified - similar to stationary gasoline dispensing facilities
  - Incorporates applicable maintenance, repair, testing, recordkeeping, and reporting requirements from Rule 461
- New recordkeeping and reporting requirements for retail mobile fueling to ensure enforceability



# Key Features of PR 461.1



Requires retail mobile fuelers greater than 10 gallons to meet vapor recovery requirements



Requires retail mobile fuelers to use CARB certified equipment and to provide notification of all dispensing locations



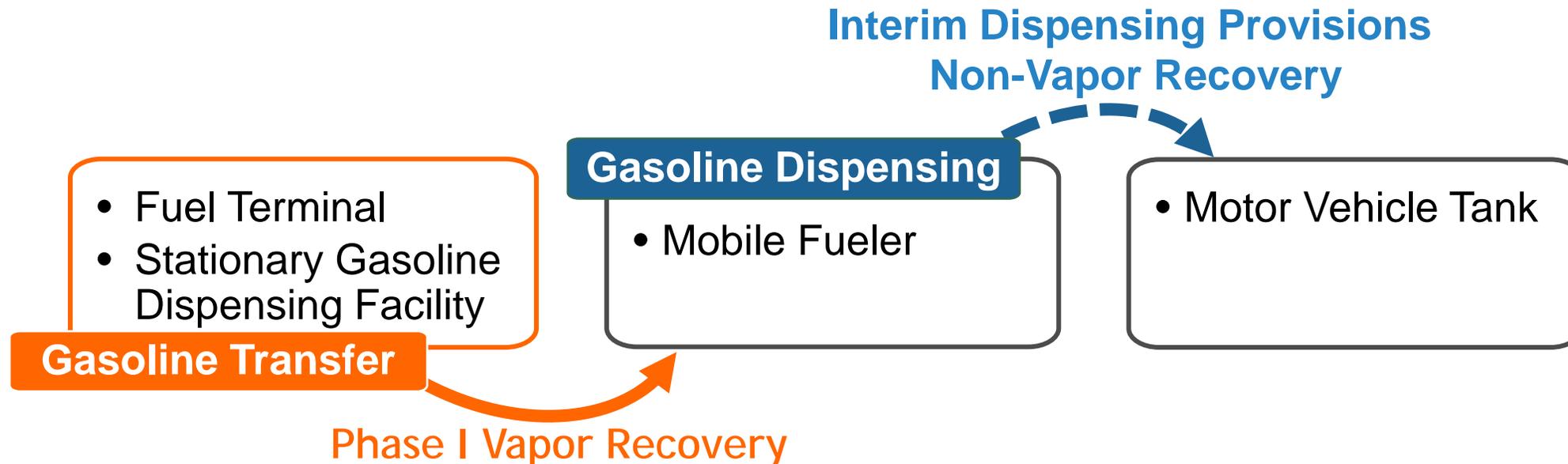
Restricts mobile fuelers from dispensing on public streets or during school hours if within 1,000 feet of a school



Provisions for non-retail mobile fuelers are generally the same as Rule 461

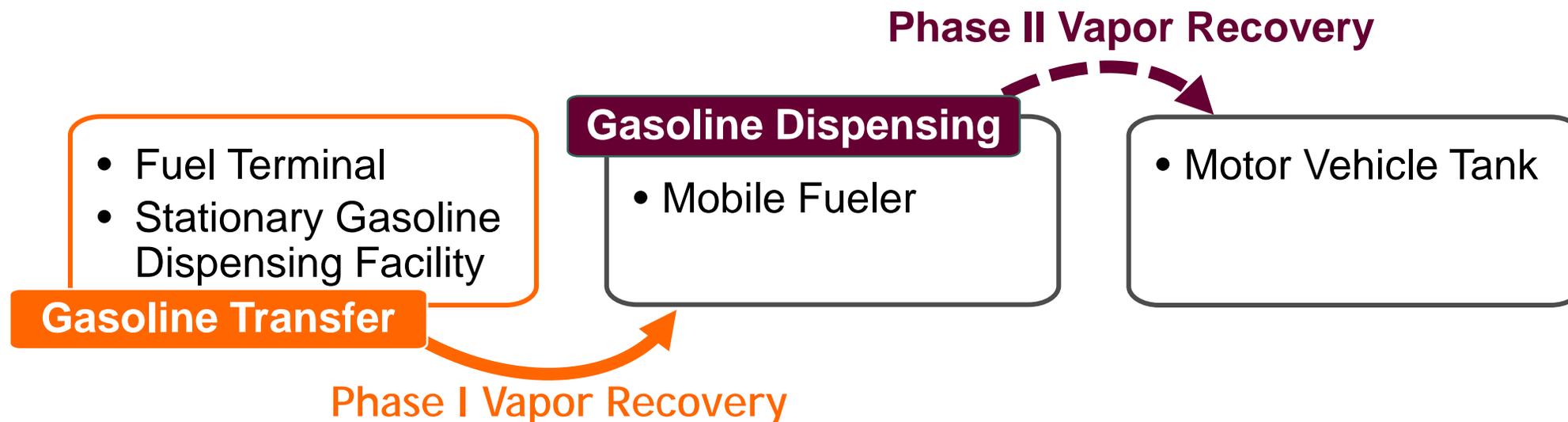
# Gasoline Transfer and Interim Dispensing Requirements

- **Gasoline Transfer:** Requires CARB Certified **Phase I Vapor Recovery**
- **Interim Dispensing:** Allows CARB Certified **Non-Vapor Recovery** until CARB certifies two Phase II Vapor Recovery Systems for mobile fuelers



# Gasoline Transfer and Gasoline Dispensing Requirements

- **Gasoline Transfer:** Requires CARB Certified **Phase I Vapor Recovery**
- **Interim Dispensing:** Allows CARB Certified **Non-Vapor Recovery** until CARB certifies two Phase II Vapor Recovery Systems for mobile fuelers
- **Gasoline Dispensing:** Operator has 60 months to meet **Phase II Vapor Recovery** Requirement after two systems are CARB certified



# Impacted Facilities and Emission Reductions

- Approximately 80 mobile fuelers at 38 facilities are expected to be affected by PR 461.1
  - Rule 461 currently requires Phase II vapor recovery equipment for mobile fuelers
  - Existing facilities complying with Rule 461 not expected to purchase any additional equipment or incur additional costs
- Number of unregulated small retail mobile fuelers are unknown
  - PR 461.1 will reduce VOC and toxic emissions from unregulated mobile fuelers not equipped with required vapor controls

# Recommended Actions

- Resolution includes commitment to initiate rulemaking for Rule 219 in the first quarter of 2022 to address comments regarding UV/EB/LED permit exemptions
- Staff is not aware of any other key issues
- Recommended actions:
  - Certify Final Environmental Assessment for Proposed Rule 461.1, Proposed Amended Rules 461 and 219; and
  - Adopt Rule 461.1 and Amend Rules 461 and 219

