

BOARD MEETING DATE: February 2, 2024

AGENDA NO. 28

PROPOSAL: Determine That Proposed Amended Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations, Is Exempt from CEQA; and Amend Rule 461.1

SYNOPSIS: Rule 461.1 applies to an owner or operator of a Mobile Fueler that conducts retail or non-retail operations. Proposed Amended Rule 461.1 will clarify that aviation gasoline is exempt from the rule. The proposed amendments will also remove outdated rule language and clarify several provisions.

COMMITTEE: Stationary Source, November 17, 2023, Reviewed

RECOMMENDED ACTIONS:

Adopt the attached Resolution:

1. Determining that Proposed Amended Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations, is exempt from the requirements of the California Environmental Quality Act; and
2. Amending Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations

Wayne Natri
Executive Officer

SR:MK:HF:SK:ST

Background

Rule 461 – Gasoline Transfer and Dispensing (Rule 461) was adopted in January 1976 and regulates stationary and mobile gasoline dispensing facilities that dispense gasoline into motor vehicles. Provisions for the transfer and dispensing of gasoline by mobile fuelers were included in Rule 461 since 1995 and relied on the same approach as stationary gasoline dispensing, which requires use of CARB certified Phase I and Phase II vapor recovery systems. However, the expansion of retail on-demand mobile fuelers within South Coast AQMD jurisdiction raised concerns that the requirements in Rule 461 did not adequately address retail mobile fueling operations.

On January 7, 2022, Rule 461 was amended concurrently with the adoption of Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations (Rule 461.1). Rule 461 was amended to remove provisions for mobile fuelers, as these activities would now be subject to Rule 461.1. The adoption of Rule 461.1 addressed the regulatory gap in Rule 461 that allowed mobile fuelers to dispense gasoline without controlling gasoline vapor emissions. Rule 461.1 applies to mobile fueling operations and applies to the transfer of gasoline from any source into or out of a mobile fueler as well as the dispensing of gasoline from the mobile fueler to any motor vehicle, fuel container, or equipment. The applicability of Rule 461.1 as written, applies to aviation gasoline because of the broad definition of Gasoline used in the rule. However, the original intent of the rule was not to regulate mobile fuelers dispensing aviation gasoline under this rule.

Public Process

PAR 461.1 was developed through a public process. Staff presented PAR 461.1 at a Public Workshop on November 29, 2023.

Proposed Amendments

PAR 461.1 seeks to clarify that aviation gasoline is exempt from the rule, aligning Rule 461.1 with Rule 461. The applicability of Rule 461.1 was expanded to include gasoline dispensed into equipment or containers; however, the intent was not to include aviation gasoline dispensed into aircraft. Although aviation gasoline fuelers are exempt from Rule 461.1, they are still evaluated during the permitting process where conditions can be established to limit emissions. The permit evaluation includes determining compliance with New Source Review rules for criteria and toxic air contaminants, including BACT, modeling and offsets, as well as other applicable South Coast AQMD, State and Federal rules and regulations.

Emission Reductions

PAR 461.1 does 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.

Key Issues

Staff is not aware of any key issues.

California Environmental Quality Act

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15002(k) and 15061, the proposed project (PAR 461.1) is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062 and is included as Attachment H to this Board letter. If PAR 461.1 is approved, the Notice of Exemption will be filed for posting with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino

counties, and with the State Clearinghouse of the Governor's Office of Planning and Research.

Socioeconomic Analysis

The proposed amendments to Rule 461.1 are administrative in nature and do not significantly affect air quality or emission limitations. Therefore, a socioeconomic impact assessment is not required under Health and Safety Code Sections 40440.8 and 40728.5.

AQMP and Legal Mandates

Health and Safety Code Section 40460(a) requires South Coast AQMD to adopt an AQMP to meet state and federal ambient air quality standards in the South Coast Air Basin. In addition, the Health and Safety Code requires South Coast AQMD to adopt rules and regulations that carry out the objectives of the AQMP. The proposed amendments are not the result of an AQMP control measure .

Resource Impacts

The proposed amendments are administrative in nature, clarify the original intent of Rule 461.1, and require no additional resource impacts to implement.

Attachments

- A. Summary of Proposal
- B. Key Issues and Responses
- C. Rule Development Process
- D. Key Contacts List
- E. Resolution
- F. Proposed Amended Rule 461.1
- G. Final Staff Report
- H. Notice of Exemption from CEQA
- I. Board Presentation

ATTACHMENT A
SUMMARY OF PROPOSAL

Proposed Amended Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueler Operations

Applicability

- Added “Dispensing Gasoline” to clarify the rule is only applicable to gasoline and not other fuels, e.g., diesel

Recordkeeping

- Added “of” to Clause (k)(2)(G)(i) for clarification
- Removed “the records” and added “the records of” to Subparagraph (k)(10)(E) for clarification

Exemptions

- Added new exemption to the Transfer and Dispensing of aviation gasoline to align with the original intent of the rule
- Removed outdate rule language in paragraph (n)(3), (n)(4), and (n)(5)

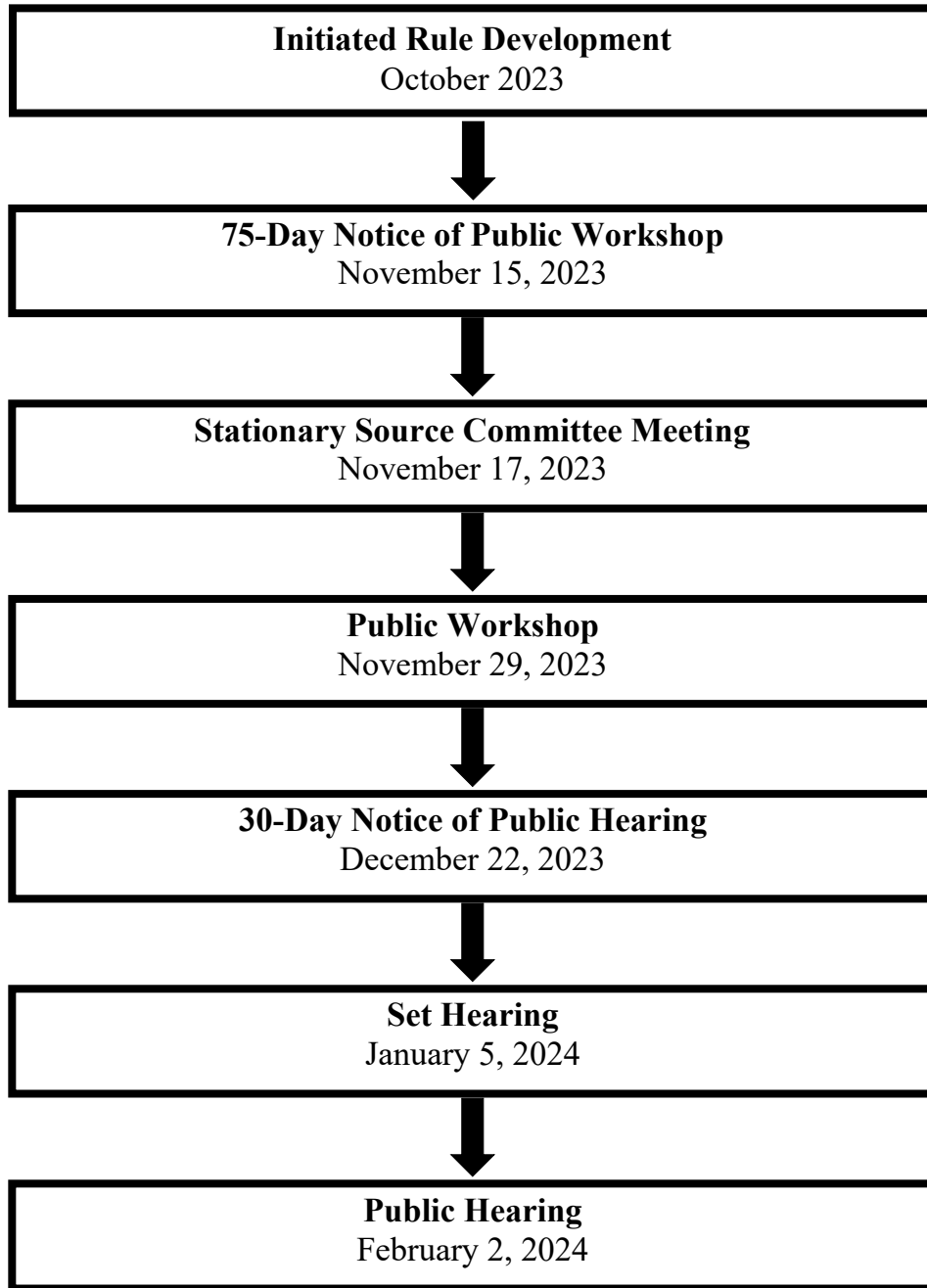
ATTACHMENT B
KEY ISSUES AND RESPONSES

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| Proposed Amended Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations |
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| Staff is not aware of any key remaining issues. |
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ATTACHMENT C
RULE DEVELOPMENT PROCESS

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



Three (3) months spent in rule development
One (1) Public Workshop
One (1) Stationary Source Committee Meeting

ATTACHMENT D

KEY CONTACTS LIST

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

- Aircraft Owners and Pilots Association (AOPA)
- Bob Hope Airport
- Booster Fuels, Inc
- Brackett Airfield
- Cable Airport
- Chino Airport
- Compton/Woodley Airport
- Flabob Airport
- General Wm. J. Fox Airfield
- Hawthorne Municipal Airport
- Los Angeles County Public Works
- Riverside Municipal Airport
- San Gabriel Valley Airport
- Signature Flight Support
- Transfer Flow, Inc.
- Whiteman Airport
- Zamperini Field

ATTACHMENT E

RESOLUTION NO. 24-_____

A Resolution of the Governing Board of the South Coast Air Quality Management District (South Coast AQMD) determining that Proposed Amended Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations is exempt from the requirements of the California Environmental Quality Act (CEQA).

A Resolution of the South Coast AQMD Governing Board amending Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations.

WHEREAS, the South Coast AQMD Governing Board finds and determines that Proposed Amended Rule 461.1 is considered a "project" as defined by 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 finds and determines after conducting a review of the proposed project in accordance with CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA, and CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA, that the proposed project is exempt from CEQA; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that because the proposed exemption of the transfer and dispensing of aviation gasoline is a clarification which memorializes the original intent and existing practice of excluding aviation gasoline from the rule's applicability without requiring physical modifications, it can be seen with certainty that implementing Proposed Amended Rule 461.1 would not cause a significant adverse effect on the environment, and is therefore, exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption; and

WHEREAS, the South Coast AQMD staff has prepared a Notice of Exemption for the proposed project, that is completed in compliance with CEQA Guidelines Section 15062 – Notice of Exemption; and

WHEREAS, Proposed Amended Rule 461.1 and supporting documentation, including but not limited to, the Notice of Exemption and Final Staff Report, 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 South Coast AQMD Governing Board finds and determines, taking into consideration the factors in Section (d)(4)(D) of the Governing Board Procedures (Section 30.5(4)(D)(i) of the Administrative Code), that the modifications to Proposed Amended Rule 461.1 since the Notice of Public Hearing was published are clarifications that meet the same air quality objective and are not so substantial as to significantly affect the meaning of Proposed Amended Rule 461.1 within the meaning of Health and Safety Code Section 40726 because removing the phrase “the records” and adding the phrase “the records of” to subparagraph (k)(10)(E) is to provide clarification; adding “of” to clause (k)(2)(G)(i) is to provide clarification; and: (a) the changes do not impact emission reductions, (b) the changes do not affect the number or type of sources regulated by the 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 is exempt from CEQA; and

WHEREAS, Proposed Amended Rule 461.1 will be submitted for inclusion in 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 amend Rule 461.1 to address the original intent of the rule, which was to expand requirements for mobile fueler operations, but did not intend to have the same requirements for mobile fuelers that transfer or dispense aviation gasoline; and

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

WHEREAS, the South Coast AQMD Governing Board has determined that Proposed Amended Rule 461.1 is written or displayed so that its meaning can be easily understood by the persons directly affected by it; and

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

WHEREAS, the South Coast AQMD Governing Board has determined that Proposed Amended Rule 461.1 does not impose the same requirements as any existing state or federal regulations, and the proposed amended rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the South Coast AQMD; and

WHEREAS, the South Coast AQMD Governing Board, in amending Rule 461.1, references the following statutes which the South Coast AQMD hereby implements, interprets or makes specific: Health and Safety Code Sections 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 to carry out plan), 41700 (nuisance), 41510 (right of entry), 41511 (rules to require source to determine emissions), 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 (Hazard Air Pollutants), and Federal Clean Air Act Section 116 (Retention of State Authority); and

WHEREAS, the South Coast AQMD Governing Board finds that no comparative analysis pursuant to Health and Safety Code Section 40727.2 is required because Proposed Amended Rule 461.1 contains changes which are administrative in nature and 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; and

WHEREAS, the South Coast AQMD Governing Board finds that no socioeconomic impact assessment for Proposed Amended Rule 461.1 is required per Health and Safety Code Sections 40440.8 and 40728.5 because the proposed amendments are administrative in nature and will not significantly affect air quality or emissions limitations such that no adverse socioeconomic impacts are expected; and

WHEREAS, the South Coast AQMD staff conducted a Public Workshop regarding Proposed Amended Rule 461.1 on November 29, 2023; 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 provisions of state and federal law; and

WHEREAS, the South Coast AQMD Governing Board specifies the Planning, Rule Development and Implementation Manager overseeing the rule development for Proposed Amended Rule 461.1 as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of this proposed project 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 does hereby determine, pursuant to the authority granted by law, that the proposed project (Proposed Amended Rule 461.1) is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption. This information was presented to the South Coast AQMD Governing Board, whose members exercised their independent judgement and reviewed, considered, and approved the information therein prior to acting on the proposed project; and

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

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board requests that Proposed Amended Rule 461.1 be submitted for inclusion into the State Implementation Plan; and

BE IT FURTHER RESOLVED that the Executive Officer is hereby directed to forward a copy of this Resolution, Proposed Amended Rule 461.1, and supporting documentation, to California Air Resources Board (CARB) for approval and subsequent submittal to United States Environmental Protection Agency (U.S. EPA) for inclusion in the State Implementation Plan.

DATE: _____

CLERK OF THE BOARDS

(Adopted January 7, 2022) (Amended [*DATE OF RULE ADOPTION*])

PROPOSED **GASOLINE TRANSFER AND DISPENSING FOR**
AMENDED RULE **MOBILE FUELING OPERATIONS**
461.1

[RULE INDEX TO BE REFORMATTED AFTER RULE ADOPTION]

(a) Purpose

The purpose of this rule is to reduce emissions of volatile organic compounds and toxic emissions from mobile fueling operations.

(b) Applicability

This rule applies to an owner or operator of a Mobile Fueler that conducts retail or non-retail operations Dispensing Gasoline. This rule also applies to any person that:

- (1) Conducts any test for a Mobile Fueler;
- (2) Installs, repairs, maintains, supplies, sells, or offers for sale components of a Mobile Fueler; or
- (3) Manufactures CARB Certified Control Equipment or the associated components thereof.

(c) Definitions

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

- (1) **BREAKAWAY COUPLING** means a component attached to the hose, which allows the safe separation of the hose from the Mobile Fueler Cargo Tank or the hose from the nozzle in the event of a forced removal such as in the case of a drive-off.
- (2) **CARB CERTIFIED** means the California Air Resources Board (CARB) has evaluated performance of the referenced system or component and included them in a valid Executive Order pursuant to Health and Safety Code Section 41954.
- (3) **CARGO TANK** means a container and associated equipment that is used to store, Transfer, and Dispense Gasoline.
- (4) **COAXIAL HOSE** means a hose that contains two passages one within the other. One of the passages is for Dispensing the liquid Gasoline into the Motor Vehicle fuel tank while the other passage allows for the Gasoline Vapors from the Motor Vehicle fuel tank to travel to the Cargo Tank.

- (c) (5) CONTROL EQUIPMENT means a Phase I Vapor Recovery System, a Phase II Vapor Recovery System, or a Non-Vapor Recovery Components for Dispensing.
- (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.

- (c) (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.

- (c) (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:

- (d) (3) (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 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)(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 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”;

- (h) (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.

- (i) (2) The owner or operator of a Mobile Fueler equipped with CARB Certified Control Equipment shall not repair or replace Breakaways, 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 Mobile 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)(5)(B).

- (i) (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)(7)(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;

- (j) (1) (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;

- (k) (2) (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 of 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 |

Rule PAR 461.1 (Cont.) (Adopted January 7, 2022) (Amended [Date of Adoption])

| | | | |
|-----|--|--------------------|--------------------|
| 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 |

- (k) (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:

- (k) (5) (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 20th 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 |

- (k) (7) On or before the 20th 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 20th 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 contact;
 - (ii) Name of organization; 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;

- (k) (10) (B) (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)(5)(B)(i) through (i)(5)(B)(iv);
- (v) Each component that was installed as replacement, if applicable, including the required component identification information specified in clauses (i)(5)(B)(i) through (i)(5)(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 Fueller 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);

- (k) (10) (E) On days the Mobile Fueler does not Transfer or Dispense Gasoline ~~the records~~, in lieu of the records 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;

- (1) (1) (A) (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).

- (1) (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 (1)(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 (1)(8) for failed Reverification Tests, as specified in subparagraph (1)(7)(D) for rescheduled tests, and may not be required for Reverification Tests performed after drive-offs pursuant to clause

- (i)(7)(A)(ii), provided the person conducting the tests complies with all other applicable provisions of the rule;
- (1) (7) (D) In the event that a Performance or Reverification Test rescheduled pursuant to subparagraph (1)(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 (1)(7)(A) and (1)(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 (1)(7)(A) and (1)(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 (1)(7)(C) and (1)(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:

- (1) (8) (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 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:

- (m) (1) (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.

Rule PAR 461.1 (Cont.) (Adopted January 7, 2022) (**Amended [Date of Adoption]**)

- (n) (2) The requirements of paragraph (d)(2) shall not apply to the fueling of Tournament of Roses parade floats.
- (3) The provisions of this rule shall not apply to the Transfer and Dispensing of aviation gasoline, which is intended for fueling smaller aircraft powered by reciprocating spark ignition engines.
- ~~(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 PROTOCOL¹

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.

¹ 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

- (B-3) (3.1) (e) Vapor Check Valve;
- (f) Insertion Interlock 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 Recovery System shall maintain records of the following during the daily maintenance inspections

- (5.1) Date maintenance Contractor was contacted;
- (5.2) Time maintenance Contractor was contacted;
- (5.3) Method of contact;
- (5.4) Date of maintenance;
- (5.5) Time of maintenance;
- (5.6) Maintenance Contractor name;
- (5.7) Maintenance Contractor 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 Repaired 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

- (C-3) (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:

- (4.1) Each nozzle is the current CARB-Certified model;
- (4.2) Each nozzle is installed in accordance with the applicable CARB Executive Orders;
- (4.3) 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 Check Valve;
 - (f) Insertion Interlock Mechanism;
 - (g) Automatic shut-off mechanism; and
 - (h) Hold open latch;
- (4.4) The hoses are not torn, punctured, flattened, or crimped and in good condition, as specified in CARB Executive Orders;
- (4.5) The vapor recovery hoses are the required size and length;
- (4.6) The vapor recovery nozzles are equipped with required hoses;
- (4.7) The bellows-equipped vapor recovery nozzles are equipped with CARB Certified Insertion Interlock Mechanisms;
- (4.8) If required, the flow limiter is not missing and is installed properly;
- (4.9) 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

- (C-4) (4.10) If required, the liquid removal device, which are designed to remove trapped liquid from the vapor passages of a balance Coaxial Hose, comply with required CARB Certifications and are properly installed;
and
- (4.11) 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

- (D-2) (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.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Final Staff Report

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

February 2024

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GOVERNING BOARD**

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Table of Contents

| | |
|---|---|
| BACKGROUND | 1 |
| PUBLIC PROCESS..... | 1 |
| AFFECTED FACILITIES..... | 1 |
| CONTROL TECHNOLOGY | 1 |
| EXPECTED EMISSIONS REDUCTIONS | 2 |
| SUMMARY OF PROPOSAL | 2 |
| Subdivision (b) – Applicability | 2 |
| Subdivision (k) – Recordkeeping | 2 |
| Subdivision (n) – Exemptions | 3 |
| CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) | 4 |
| SOCIOECONOMIC IMPACT ASSESSMENT | 4 |
| DRAFT FINDINGS UNDER HEALTH AND SAFETY CODE SECTION 40727 | 4 |
| Necessity..... | 4 |
| Authority..... | 4 |
| Clarity | 4 |
| Consistency..... | 4 |
| Non-Duplication | 4 |
| Reference | 4 |
| COMPARATIVE ANALYSIS..... | 5 |
| COST-EFFECTIVENESS ANALYSIS | 5 |
| INCREMENTAL COST-EFFECTIVENESS ANALYSIS | 5 |
| APPENDIX A - PUBLIC COMMENTS | 6 |
| COMMENT LETTERS..... | 7 |

List of Figures

| | |
|--|---|
| Figure 1: PAR 461.1 – Subdivision (b) | 2 |
| Figure 2: PAR 461.1 – Subparagraph (k)(10)(E) | 2 |
| Figure 3: PAR 461.1 – Clause (k)(10)(G)(i) | 2 |
| Figure 4: PAR 461.1 – Paragraph (n)(3) | 3 |
| Figure 5: PAR 461.1 – Paragraphs (n)(3), (n)(4) & (n)(5) | 3 |

BACKGROUND

Rule 461 was adopted 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 California Resource Air Board (CARB) certified Phase I and Phase II vapor recovery systems. However, the expansion of retail mobile fuelers within South Coast AQMD jurisdiction raised concerns that Rule 461 was not adequately addressing retail mobile fueler operations. Rule amendments were needed to address this regulatory gap. On January 7, 2022, Rule 461 was amended concurrently with the adoption of Rule 461.1. Rule 461 was amended to remove provisions for mobile fuelers, as these activities would now be subject to Rule 461.1. Rule 461 defined the term mobile fueler as any tank truck or trailer that is used to transport and dispense gasoline from an onboard storage tank into any motor vehicle and was not intended to apply to the dispensing of aviation gasoline into aircrafts. The adoption of Rule 461.1 addressed the regulatory gap in Rule 461 that allowed mobile fuelers to dispense gasoline without controlling gasoline vapor emissions. Rule 461.1 applies to mobile fueling operations and applies to the transfer of gasoline from any source into or out a mobile fueler as well as the dispensing of gasoline from the mobile fueler to any motor vehicle, fuel container, or equipment.

PAR 461.1 will clarify that aviation gasoline is exempt from the rule. This type of gasoline is used to fuel small aircraft powered by spark ignition engines. The purpose of this exemption is to align the applicability of Rule 461.1 with Rule 461. When Rule 461.1 was adopted, the applicability from Rule 461 was expanded to include gasoline dispensed from a mobile fueler into equipment or containers; however, the original intent was not to include aviation gasoline dispensed into an aircraft but to expand the requirements on retail mobile fueling operations.

PUBLIC PROCESS

PAR 461.1 was developed through a public process. Staff presented PAR 461.1 during a Public Workshop on November 29, 2023, with the respective staff report released in advance. Proposed amended rule language was made available on November 17, 2023, and it included in the presentation for the Public Workshop.

AFFECTED FACILITIES

Based on the South Coast AQMD permit database and a survey conducted during the original rulemaking process when Rule 461.1 was adopted, staff estimated that there are approximately 80 total mobile fuelers in operation. Among these, 37 mainly operate at small airports. The mobile fuelers affected by ~~this proposed rule amendment~~ PAR 461.1 are primarily stationed within the 38 airport locations under South Coast AQMD jurisdiction, but the amendment also exempts the dispensing of aviation gasoline into aircraft operated by military, law enforcement, and first responders independent of location. The affected mobile fuelers operating within these airport locations are only used to store and transport fuel for transfer into aircraft.

CONTROL TECHNOLOGY

The proposed amendments do not include any requirements for air pollution control technologies.

EXPECTED EMISSIONS REDUCTIONS

The proposed amendments are not expected to reduce emissions. PAR 461.1 does 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.

SUMMARY OF PROPOSAL

PAR 461.1 adds an exemption for the transfer and dispensing of aviation gasoline to clarify the rule's original intention and removes outdated provisions.

Subdivision (b) – Applicability

Staff is proposing to add a clarification to subdivision (b).

| |
|---|
| <p>(b) Applicability This rule applies to an owner or operator of a Mobile Fueler that conducts retail or non-retail operations <u>Dispensing Gasoline</u>. This rule also applies to any person that:</p> <ol style="list-style-type: none"> (1) Conducts any test for a Mobile Fueler; (2) Installs, repairs, maintains, supplies, sells, or offers for sale components of a Mobile Fueler; or (3) Manufactures CARB Certified Control Equipment or the associated components thereof. |
|---|

Figure 1: PAR 461.1 – Subdivision (b)

Subdivision (k) – Recordkeeping

Moreover, staff is proposing to clarify the rule language in subparagraph (k)(10)(E) and clause (k)(10)(G)(i) in subdivision (k).

| |
|--|
| <p>(k) (10) (E) On days the Mobile Fueler does not Transfer or Dispense Gasoline <i>the records</i>, in lieu of <u>the records of</u> 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;</p> |
|--|

Figure 2: PAR 461.1 – Subparagraph (k)(10)(E)

| |
|---|
| <p>(G) Documentation by the responsible fire department or fire authority to the owner or operator for either:</p> <ol style="list-style-type: none"> (i) The written approval to conduct Transfer or Dispensing of <u>Gasoline</u> from a Retail Mobile Fueler at the specified Dispensing Location; or |
|---|

Figure 3: PAR 461.1 – Clause (k)(10)(G)(i)

Subdivision (n) – Exemptions

In addition, staff is proposing to amend subdivision (n) to include a provision to exempt aviation gasoline.

(3) [The provisions of this rule shall not apply to the Transfer and Dispensing of aviation gasoline, which is intended for fueling smaller aircraft powered by reciprocating spark ignition engines.](#)

Figure 42: PAR 461.1 – Paragraph (n)(3)

Furthermore, staff is proposing to remove rule language under paragraphs (n)(3), (n)(4), and (n)(5) that is now outdated.

- ~~(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.~~

Figure 53: PAR 461.1 – Paragraphs (n)(3), (n)(4) & (n)(5)

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15002(k) and 15061, the proposed project (PAR 461.1) is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3). A Notice of Exemption ~~will be~~ has been prepared pursuant to CEQA Guidelines Section 15062, and if the proposed project is approved, the Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino counties, and with the State Clearinghouse of the Governor's Office of Planning and Research.

SOCIOECONOMIC IMPACT ASSESSMENT

The proposed amendments to Rule 461.1 are administrative in nature and do not significantly affect air quality or emission limitations. Therefore, a socioeconomic impact assessment is not required under Health and Safety Code Sections 40440.8 and 40728.5.

DRAFT FINDINGS UNDER HEALTH AND SAFETY CODE SECTION 40727

Before adopting, amending, or repealing a rule, the Health and Safety Code requires South Coast AQMD to adopt written findings of necessity, authority, clarity, consistency, non-duplication, and reference, as defined in Health and Safety Code Section 40727. The draft findings are as follows:

Necessity – PAR 461.1 is needed to align with the original intent of the rule by exempting aviation gasoline, which is used to fuel small aircrafts.

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

Clarity – The South Coast AQMD Governing Board has determined that PAR 461.1 is written and displayed so that the meaning can be easily understood by persons directly affected by it.

Consistency – The South Coast AQMD Governing Board has determined that PAR 461.1 is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, federal or state regulations.

Non-Duplication – The South Coast AQMD Governing Board has determined that PAR 461.1 does not impose the same requirement as any existing state or federal regulation, and the proposed amendments are necessary and proper to execute the powers and duties granted to, and imposed upon, the South Coast AQMD.

Reference – In adopting PAR 461.1, the South Coast AQMD Governing Board will be implementing, interpreting or making specific the provisions of the Health and Safety Code Section 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 to carry out plan), 41700 (nuisance), 41510 (right of entry), 41511 (rules to require source to determine emissions), 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 (Hazard Air Pollutants), and Federal Clean Air Act Section 116 (Retention of State Authority).

COMPARATIVE ANALYSIS

~~Health and Safety Code Section 40727.2(g) is not applicable because the~~ The proposed amended rule does 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, ~~and~~ Therefore, a comparative analysis is not required by Health and Safety Code Section 40727.2.

COST-EFFECTIVENESS ANALYSIS

Health and Safety Code Section 40920.6 requires a cost-effectiveness analysis when establishing best available retrofit control technology (BARCT) requirements. PAR 461.1 is not establishing or imposing any BARCT requirements; therefore, a cost effectiveness analysis was not conducted. The amendments to Rule 461.1 are ~~is~~ administrative in nature and thus, are ~~it is~~ not expected to have any associated costs.

INCREMENTAL COST-EFFECTIVENESS ANALYSIS

Health and Safety Code Section 40920.6(a)(3) states that an incremental cost-effectiveness assessment should be performed on identified potential control options that meet air quality objectives. PAR 461.1 is not establishing or imposing any BARCT requirements that require control options; therefore, an incremental cost-effectiveness analysis was not conducted.

APPENDIX A - PUBLIC COMMENTS

Staff held a Public Workshop on November 29, 2023, to provide a summary of PAR 461.1. One comment was made during the public comment period.

Commenter: Laurel Moorhead – Transfer Flow

Laurel Moorhead expressed concern regarding the proposed amendments and the potential impact on their existing mobile fueler business that dispenses gasoline into farm equipment.

Staff's response to Commentor:

Staff responded by clarifying that the proposed amendments will have no impact to Transfer Flow Inc.'s current business operations as the proposed changes only affect mobile fuelers dispensing aviation gasoline into small aircraft.

COMMENT LETTERS**Comment Letter #1**

December 15th, 2023

Mr. Michael Krause
Assistant Deputy Executive Officer
Planning, Rule Development, and Implementation
South Coast Air Quality Management District
21865 Copley Dr., Diamond Bar, CA 91765

Ms. Heather Farr
Planning and Rules Manager
South Coast Air Quality Management District
21865 Copley Dr., Diamond Bar, CA 91765

Via: Electronic Submission

SUBJECT: Transfer Flow, Inc.'s public comment on the South Coast Air Quality Management District's proposed amended rule 461.1 Gasoline Transfer and Dispensing for Mobile Fueling Operations.

Dear Mr. Krause and Ms. Farr,

Transfer Flow, Inc. has been in business in beautiful Northern California for forty years, manufacturing high-quality liquid fuel systems and creating good-paying jobs contributing to our local economy. Transfer Flow refueling tanks are used in agriculture, construction, and public utilities operations. Equipment that is not certified for use on public roads cannot be driven to a gas station and, therefore, must have fuel brought to the equipment. This is the most common use for Transfer Flow refueling tanks and an essential component for many small businesses' operations.

SCAQMD rule 461.1 defines a "cargo tank" as "a container and associated equipment that is used to store, Transfer, and Dispense Gasoline." This definition is misaligned with both the California Code of Regulations definition of a cargo tank and the Code of Federal Regulations definition of a cargo tank.



13 CCR § 34003(a) defines Cargo Tanks as "any tank having a volumetric capacity in excess of 120 gallons that is used for the transportation of flammable liquids or combustible liquids."

Gasoline is a flammable liquid.

49 CFR § 171.8 defines a cargo tank as bulk packaging and bulk packaging is defined as having a maximum capacity greater than 119 gallons.

Rule 461.1 defines a "mobile fueler" as "a Motor Vehicle that has one or more Cargo Tanks on board or tows one or more Cargo Tanks," therefore making a vehicle with a Transfer Flow refueling tank properly and legally mounted in the bed a "mobile fueler."

Rule 461.1 then goes on to define a "Non-Retail Mobile Fueler" as "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" and a "Retail Mobile Fueler" as "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."

This leaves a truck mounted with a Transfer Flow refueling tank simply as a "Mobile Fueler." Not a "Retail Mobile Fueler" and not a "Non-Retail Mobile Fueler," just a "Mobile Fueler."

This misalignment of definitions between SCAQMD's definition of cargo tank and the California Code of Regulations and the Code of Federal Regulations is prone to cause confusion. Transfer Flow would like to suggest that for simplicity's sake, SCAQMD attempt to align definitions in rulemaking activities with other already established legal definitions.

Once someone engages in gasoline marketing operations, they are subjected to CARB's Vapor Recovery Program. In 2014, CARB conducted rulemaking activity and found that the best available control technology (BACT) for Transfer Flow refueling tanks is California's reduced Reid vapor pressure of gasoline and, therefore, chose not to regulate Transfer Flow refueling tanks.

This is the second time in only two years since this rule was created that the rulemaking activity has needed to be reopened. Every time SCAQMD reopens this rule, Transfer Flow must spend time reviewing the proposed changes. Transfer Flow hopes SCAQMD can create a robust rule that will not need to continually be re-opened.

In closing, Transfer Flow would like to thank SCAQMD staff for the opportunity to comment. We appreciate your consideration in this matter,

Sincerely,

Laurel Moorhead, E.I.T.

Regulatory Compliance Engineer

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

Staff Response to Comment Letter #1

Staff appreciates Transfer Flow Inc. taking the time to submit the comment letter and the opportunity to provide further clarification. The original intent of Rule 461.1 was to address the regulatory gap for on demand retail mobile fueling operations that was a growing business and not adequately regulated by the gasoline dispensing regulation, Rule 461. The key requirements, e.g., the vapor recovery requirements, of Rule 461.1 impact:

1. “Retail” mobile fuelers with cumulative capacity greater than 10 gallons,
2. “Non-retail” mobile fuelers with cumulative capacity greater than 120 gallons,

In the unlikely circumstance a mobile fuel does not fit in those categories because their capacity is less, there are also requirements for:

3. Mobile fuelers with a Cargo Tank equipped with CARB Certified Control Equipment; and
4. Mobile fuelers with a Cargo Tank **not** equipped with CARB Certified Control Equipment.

As stated in the letter, Transfer Flow’s clients perform non-retail mobile fueling operations such as agriculture and construction. The letter also indicates the cumulative tank capacity is less than 120 gallons and their cargo tanks are not equipped with CARB certified control equipment. Transfer Flow is correct that they would be regulated as a “mobile fueler” and the only applicable requirements in Rule 461.1 are paragraphs (f)(2) and (f)(4), which include hose length limits and tagout procedures requirements for non-compliant equipment.

Regarding the comment on the misalignment of definition between the California Code of Regulations and the Code of Federal Regulations. The difference in definitions was intentional and important to address the previous regulatory gap in Rule 461. As stated during the adoption of Rule 461.1, staff believes it is important to include these smaller retail mobile fuelers in the rule to address the previous regulatory gap; therefore, is not proposing to change definitions and only regulate mobile fuelers with cargo tanks with a cumulative capacity greater than 120 gallons.

Regarding the California Air Resources Board’s decision not to regulate Transfer Flow, South Coast AQMD can have more stringent regulations than, and in many instances must have more stringent regulations than, state or federal requirements because the South Coast Air Basin is classified as an “extreme” non-attainment area.

Further, ~~California~~ Health and Safety Code Section § 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.”

Rule 461.1 was adopted January 2022, and this is the first proposed ~~rule~~ amendment since adoption to make a minor changes to address mobile fuelers dispensing aviation gasoline into smaller aircraft at airports while also removing outdated rule language and making minor edits for consistency. No ~~other~~ changes are being proposed that affect requirements for other mobile fueling operations and ~~nor does~~ PAR 461.1 ~~it does not~~ impose any new requirements.

ATTACHMENT H



**South Coast
Air Quality Management District**

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SUBJECT: NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

PROJECT TITLE: PROPOSED AMENDED RULE 461.1 – GASOLINE TRANSFER AND DISPENSING FOR MOBILE FUELING OPERATIONS

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the South Coast Air Quality Management District (South Coast AQMD), as Lead Agency, has prepared a Notice of Exemption pursuant to CEQA Guidelines Section 15062 – Notice of Exemption for the project identified above.

If the proposed project is approved, the Notice of Exemption will be filed for posting with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino Counties. The Notice of Exemption will also be electronically filed with the State Clearinghouse of the Governor’s Office of Planning and Research for posting on their CEQAnet Web Portal which may be accessed via the following weblink: <https://ceqanet.opr.ca.gov/search/recent>. In addition, the Notice of Exemption will be electronically posted on the South Coast AQMD’s webpage which can be accessed via the following weblink: <http://www.aqmd.gov/nav/about/public-notice/ceqa-notice/notices-of-exemption/noe---year-2024>.

**NOTICE OF EXEMPTION FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

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| To: County Clerks for the Counties of Los Angeles, Orange, Riverside and San Bernardino; and Governor’s Office of Planning and Research – State Clearinghouse | From: South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA 91765 |
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Project Title: Proposed Amended Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations

Project Location: The proposed project is located within the South Coast Air Quality Management District’s (South Coast AQMD) jurisdiction, 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.

Description of Nature, Purpose, and Beneficiaries of Project: Rule 461.1 contains requirements applicable to retail on-demand mobile fueling operations, and applies to the transfer of gasoline into or out of a mobile fueler as well as the dispensing of gasoline from a mobile fueler to any motor vehicle, fuel container, or equipment. In general, the definition of “gasoline” applies to both types of gasoline blends for motor vehicle use and aviation use. However, at the time of adoption of Rule 461.1, the rule requirements were intended for and only focused on gasoline for motor vehicle use, though the rule language did not specify the type of gasoline. Thus, to memorialize the understanding that Rule 461.1 has a limited applicability to gasoline for motor vehicle use only, Proposed Amended Rule (PAR) 461.1 clarifies that aviation gasoline, which is used to fuel smaller aircraft powered by reciprocating spark ignition engines, is exempt from the rule’s requirements. PAR 461.1 also proposes to remove outdated rule language and clarifies certain provisions. While implementation of the proposed project will not result in any changes in emissions, the exemption for aviation gasoline in PAR 461.1 will benefit stakeholders by having improved clarity when implementing the applicable requirements.

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| Public Agency Approving Project: South Coast Air Quality Management District | Agency Carrying Out Project: South Coast Air Quality Management District |
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Exempt Status: CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption

Reasons why project is exempt: South Coast AQMD, as Lead Agency, has reviewed the proposed project (PAR 461.1) pursuant to: 1) CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA. The proposed exemption of the transfer and dispensing of aviation gasoline is a clarification which memorializes the original intent and existing practice of excluding aviation gasoline from the rule’s applicability without requiring physical modifications. Thus, it can be seen with certainty that implementing the proposed project would not cause a significant adverse effect on the environment. Therefore, the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption.

Date When Project Will Be Considered for Approval (subject to change):
South Coast AQMD Governing Board Public Hearing: February 2, 2024

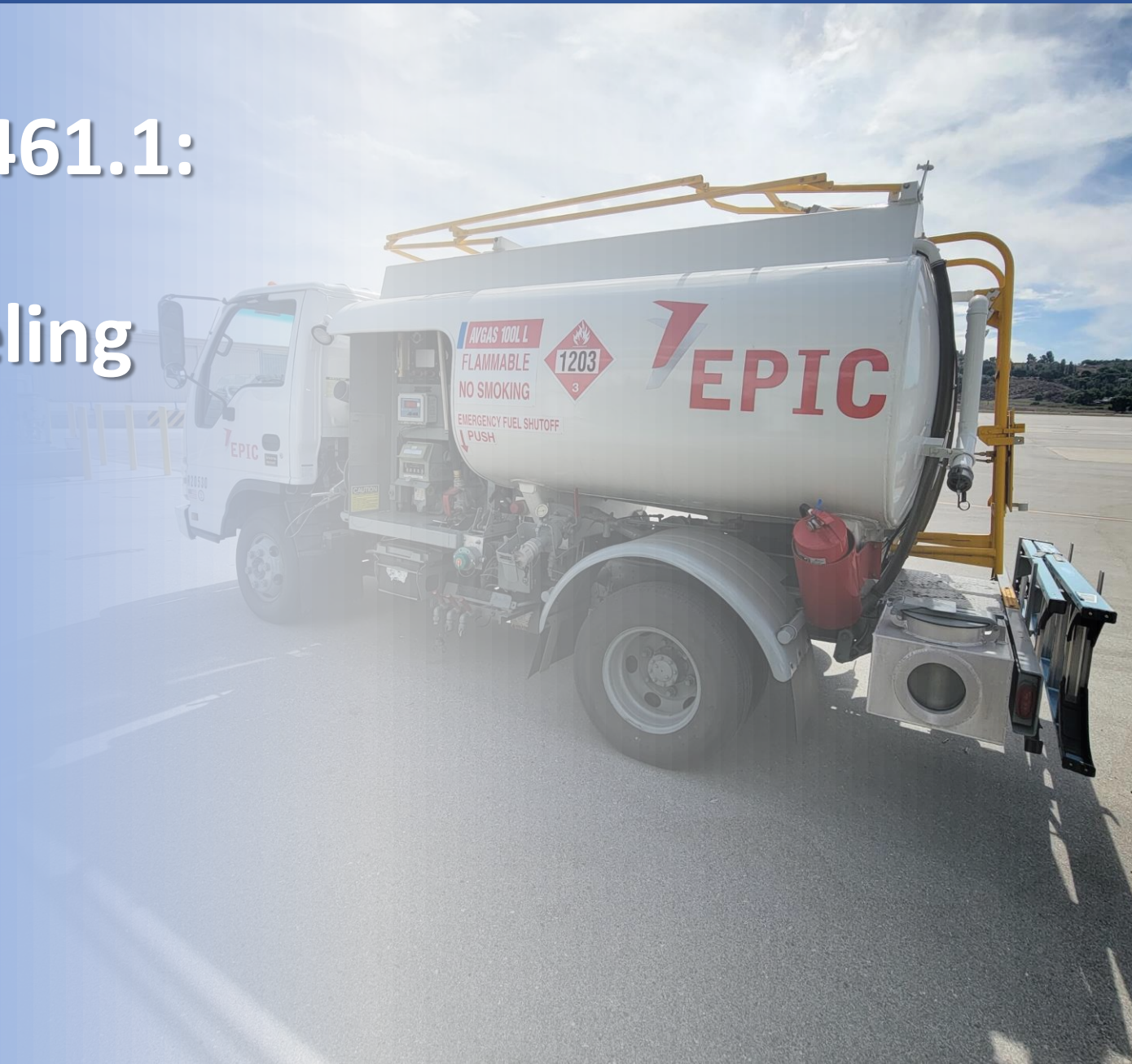
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| CEQA Contact Person: Farzaneh Khalaj, Ph.D. | Phone Number: (909) 396-3022 | Email: fkhalaj@aqmd.gov | Fax: (909) 396-3982 |
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| PAR 461.1 Contact Person: Sergio Torres Callejas | Phone Number: (909) 396-2231 | Email: scallejas@aqmd.gov | Fax: (909) 396-3982 |
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Date Received for Filing: _____ **Signature:** (Signed and Dated Upon Board Approval)
Kevin Ni
Acting Program Supervisor, CEQA
Planning, Rule Development, and Implementation

Proposed Amended Rule 461.1: Gasoline Transfer and Dispensing for Mobile Fueling Operations

Board Meeting
February 2, 2024



BACKGROUND

- Rule 461 – Gasoline Transfer and Dispensing was adopted in January 1976
 - Regulates stationary and mobile gasoline dispensing operations
- Rule 461.1 – Gasoline Transfer and Dispensing for mobile fueling operations adopted January 7, 2022
 - Maintained and established new requirements specifically for mobile fuel dispensing operations
 - Addressed unregulated retail mobile fuelers dispensing gasoline into motor vehicles, containers, and equipment
- Public Workshop for PAR 461.1 held on November 29, 2023

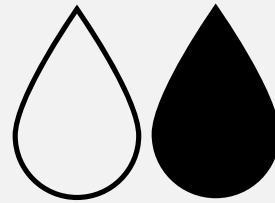


Need for Rule Amendment



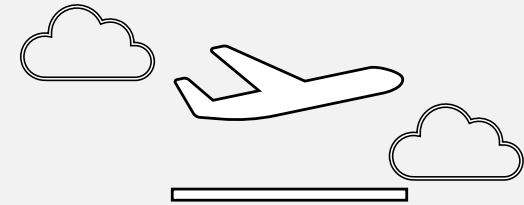
Clarification

Rule 461 and 461.1 intended to apply to motor vehicle gasoline dispensing and fueling operations



Definitions

Broad gasoline definition in Rule 461.1 would include both motor vehicle gasoline and aviation gasoline



Clear and Consistent Applicability

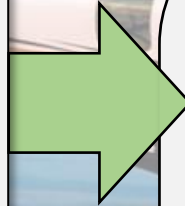
Amending Rule 461.1 to be consistent with original intent of rule

Rule Applicability and Aviation Gasoline Regulation



Rule 461.1

- Expanded applicability and broad definition of gasoline inadvertently applies to aviation gasoline
- Amending rule to exempt aviation gasoline from mobile fueling requirements



Aviation Gasoline Regulation

- Aviation gas fuelers are regulated through permitting, where conditions can be established to limit emissions
- Permit evaluation includes:
 - Evaluating South Coast AQMD, State and Federal Rules
 - New Source Review analysis
 - Best Available Control Technology
 - Modeling
 - Offsets
 - Evaluating criteria and toxic air contaminant emissions specific to the location

Staff Recommendation

Adopt Resolution

- Determine that Proposed Amended Rule 461.1 is exempt from the requirements of the California Environmental Quality Act; and

- Amend Rule 461.1