



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

SUBJECT: NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

PROJECT TITLE: PROPOSED AMENDED RULE 461 – GASOLINE TRANSFER AND DISPENSING

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the South Coast Air Quality Management District (SCAQMD) is the Lead Agency and will prepare a Notice of Exemption for the project identified above.

The SCAQMD has reviewed the proposed project pursuant to the CEQA Guidelines §15002 (k)(1), the first step of a three-step process for deciding which document to prepare for a project subject to CEQA. The currently proposed amendments to Rule 461 include the following: 1) provide non-retail facilities that meet certain conditions and have fleets with 100% On-board Refueling Vapor Recovery (ORVR) with an alternate way to comply with applicable Rule 461 requirements in lieu of installing Phase II Enhanced Vapor Recovery (EVR) systems certified by the California Air Resources Board; 2) conditionally continue exemptions for dispensing E-85 and require the installation of Phase II EVR when it becomes available; 3) change the deadline for submitting monthly gasoline throughput records to a specific date; 4) add specific requirements for backfill inspections; 5) clarify requirement to comply with applicable California Air Resources Board (CARB) requirements or procedures; and 6) make other administrative changes to provide clarification, improve enforceability and make administrative corrections. The key change to PAR 461 would exempt non-retail facilities with 100% ORVR equipped fleets from installing Phase II EVR systems, currently required by April 1, 2012. The rule currently provides a non-retail gasoline dispensing facility an alternative compliance option to installing a Phase II EVR system if it meets certain criteria. Among the criteria for qualifying for this alternative option would be to install and maintain a pressure monitoring device to collect pressure data within the gasoline storage tanks. The reason for the sunset date for this option was to allow staff enough time to collect the required pressure data and analyze the potential for emissions from the storage tanks while operated without the required pressure management equipment otherwise required by Phase II EVR requirements. Approximately 120 facilities have applied for this alternative compliance option. Staff has analyzed the data collected from the pressure monitoring equipment and conservatively estimated that the total emissions due to the absence of any pressure management system from all 120 facilities to be less than 1.2 pounds/day of volatile organic compounds (VOCs), which is well below the SCAQMD Daily Air Quality Significance Threshold for VOCs of 55 pounds/day. The other proposed amendments include minor changes which are procedural in nature or are proposed for clarity and consistency throughout the rule. Since it can be seen with certainty that the proposed project has no potential to adversely impact air quality or any other environmental area, it is exempt from CEQA pursuant to state CEQA Guidelines §15061 (b)(3) – Review for Exemption. The Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside and San Bernardino counties immediately following the adoption of the proposed project.

Any questions regarding this Notice of Exemption should be sent to Jeff Inabinet (c/o Planning, Rule Development & Area Sources) at the above address. Mr. Inabinet can also be reached at 909.396.2453. Questions regarding Proposed Amended Rule 461 should be directed to Mr. Don Hopps at 909.396.2334.

Date: April 6, 2012

Signature: Steve Smith

Steve Smith, Ph.D.
Program Supervisor
Planning, Rule Development &
Area Sources

NOTICE OF EXEMPTION

To: County Clerks of Los Angeles,
Orange, Riverside and San Bernardino
Counties

From: South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Project Title:

Proposed Amended Rule 461 – Gasoline Transfer and Dispensing

Project Location:

South Coast Air Quality Management District (SCAQMD) area of jurisdiction consisting of the four-county South Coast Air Basin (Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino counties), and the Riverside County portions of the Salton Sea Air Basin and the Mojave Desert Air Basin.

Description of Nature, Purpose, and Beneficiaries of Project:

The currently proposed amendments to Rule 461 include the following: 1) provide non-retail facilities that meet certain conditions and have fleets with 100% On-board Refueling Vapor Recovery (ORVR) with an alternate way to comply in lieu of installing Phase II Enhanced Vapor Recovery (EVR) systems certified by the California Air Resources Board; 2) conditionally continue exemptions for dispensing of E-85 and require the installation of Phase II EVR when it becomes available; 3) change the deadline for submitting monthly gasoline throughput records to a specific date; 4) add specific requirements for backfill inspections; 5) clarify requirement to comply with applicable California Air Resources Board (CARB) requirements or procedures; and 6) make other non-substantial changes to provide clarification, improve enforceability and make administrative corrections.

Public Agency Approving Project:

South Coast Air Quality Management District

Agency Carrying Out Project:

South Coast Air Quality Management District

Exempt Status:

General Concepts [CEQA Guidelines §15002 (k)(1)];
Statute Exemption [CEQA Guidelines §15061 (b)(1)]; and
General Rule Exemption [CEQA Guidelines §15061 (b)(3)]

Reasons why project is exempt:

The key change to PAR 461 would exempt non-retail facilities with 100% ORVR equipped fleets from installing Phase II EVR systems, currently required by April 1, 2012. The rule currently provides a non-retail gasoline dispensing facility an alternative compliance option to installing a Phase II EVR system if it meets certain criteria. Among the criteria for qualifying for this alternative option was to install and maintain a pressure monitoring device to collect pressure data within the gasoline storage tanks. The reason for the sunset date for this option would be to allow staff enough time to collect the required pressure data and analyze the potential for emissions from the storage tanks while operated without the required pressure management equipment otherwise required by Phase II EVR requirements. Approximately 120 facilities have applied for this alternative compliance option. Staff has analyzed the data collected from the pressure monitoring equipment and conservatively estimated that the total emissions due to the absence of any pressure management system from all 120 facilities to be less than 1.2 pounds/day of volatile organic compounds (VOCs), which is well below the SCAQMD Daily Air Quality Significance Threshold for VOCs of 55 pounds/day. The other proposed amendments include minor changes which are procedural in nature or are proposed for clarity and consistency throughout the rule. Since it can be seen with certainty that the proposed project has no potential to adversely impact air quality or any other environmental area, it is exempt from CEQA pursuant to state CEQA Guidelines §15061 (b)(3) – Review for Exemption.

Certification Date:

SCAQMD Governing Board Hearing: April 6, 2012, 9:00 a.m.; SCAQMD Headquarters

CEQA Contact Person:

Mr. Jeff Inabinet

Phone Number:

(909) 396-2453

Fax Number:

(909) 396-3324

Email:

<jinabinet@aqmd.gov>

Rule Contact Person:

Mr. Don Hopps

Phone Number:

(909) 396-2334

Fax Number:

(909) 396-3324

Email:

<dhopps@aqmd.gov>

Date Received for Filing _____

Signature _____

Steve Smith, Ph.D.
Program Supervisor - CEQA
Planning, Rule Development and Area Sources