

Working Group Meeting #6



Proposed Amended Rule 461 – Gasoline Transfer and Dispensing

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

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

Proposed Amended Rule 222 – Filing Requirements for Specific Emission Sources Not Requiring a Written Permit Pursuant to Regulation II

Meeting Information

**August 4, 2021
10:00 a.m.**

**Zoom Meeting Link:
<https://scaqmd.zoom.us/j/96155536133>**

**Dial In:
+1 (669) 900-6833**

**Meeting ID:
961 5553 6133**



Presentation Agenda Overview



Summary of Working Group Meeting #5



Applicability for 461.1



Revised Concept for De Minimis Capacity for Permitting



Revised Concept for Phase I and Phase II



Allowance of Consumer Retail Fueling



Proposed Rule Language for PR 461.1



Looking Ahead



Summary of Working Group #5

- Concepts for amendments to Rule 219 for gasoline storage
- Overview on different mobile fueler business models
- Concepts for the type of customers that would be allowed to receive gasoline from a retail mobile fueler



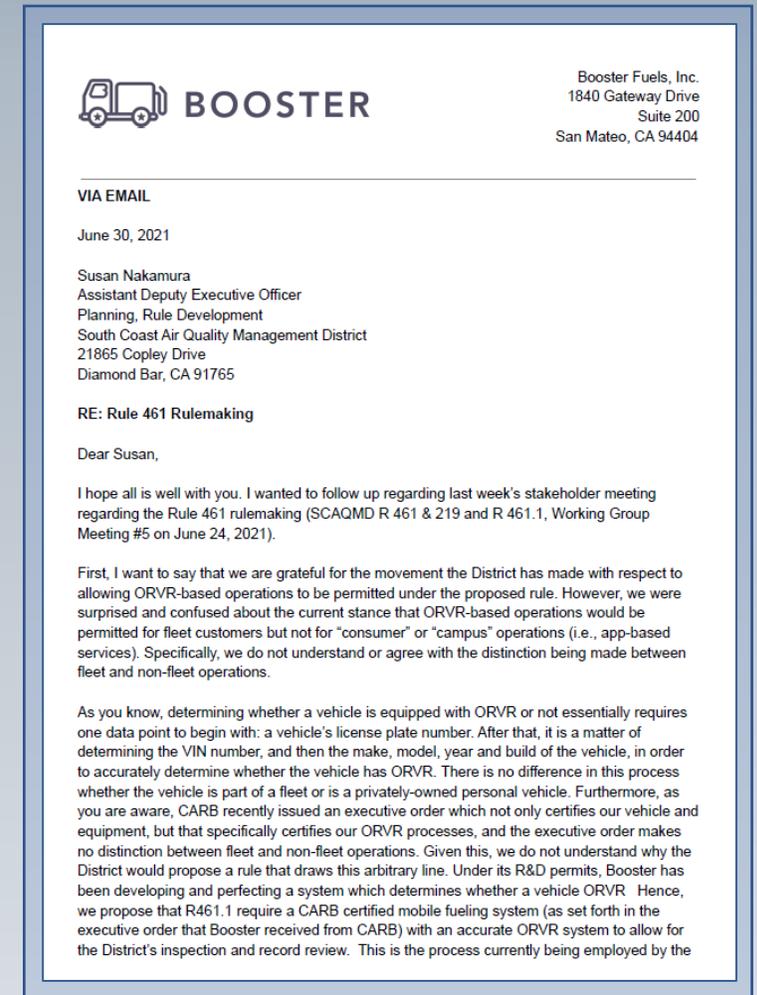
Working Group #5 Stakeholder Comments

- During Working Group Meeting #5, stakeholders provided the following key comments:
 - Comment #1: Consider permitting exemption and excluding from PR 461.1 Phase I and Phase II requirements for based on either a de minimis capacity or de minimis throughput
 - Comment #2: Allow consumer retail fueling
 - Comment #3: Clarification on operations that would be subject to the rule, availability of control technology, and various definitions



Comment Letter from Booster Fuels

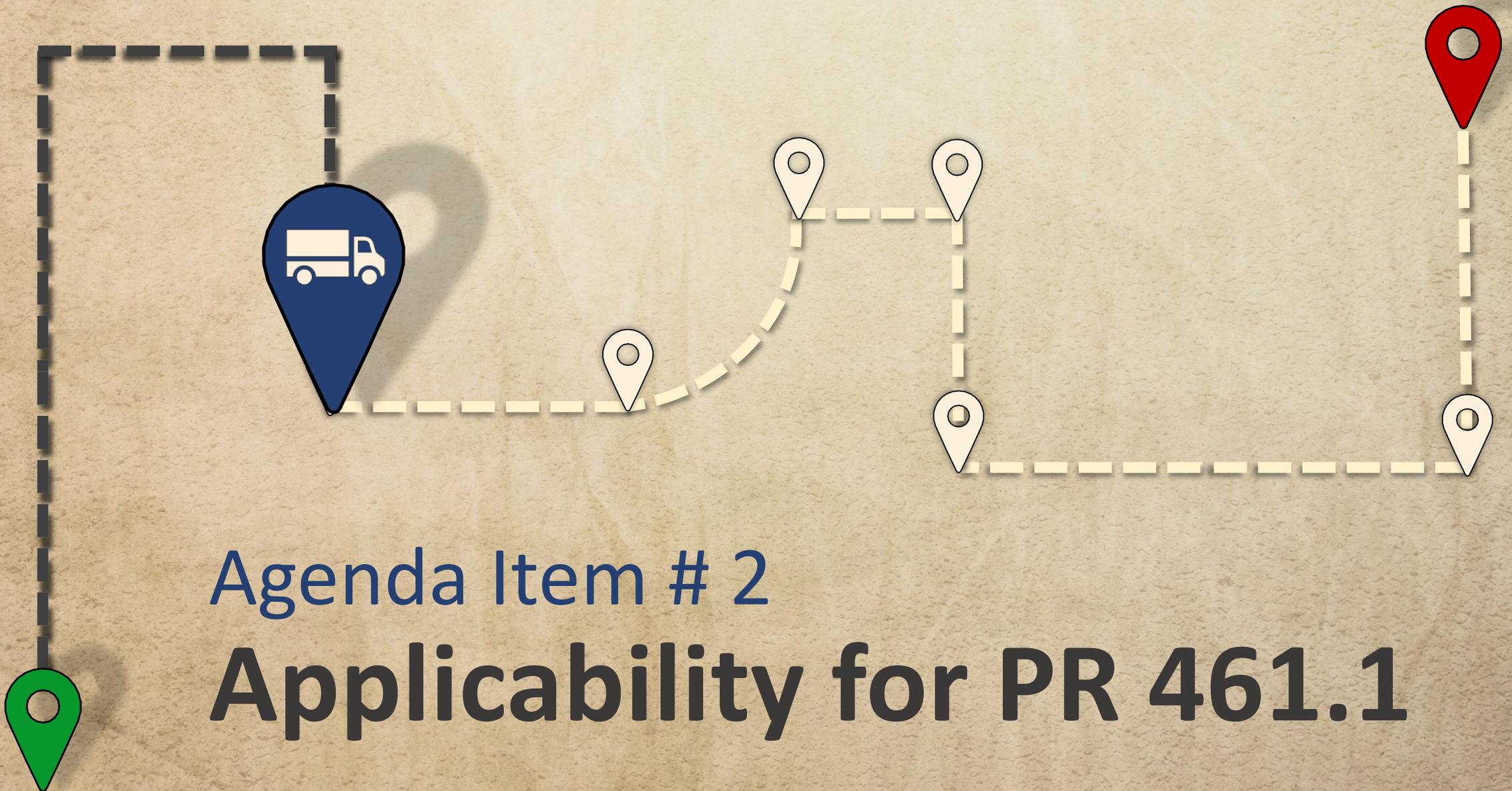
- South Coast AQMD received a comment letter on June 30, 2021
 - Disagreed between distinction of fleet and non-fleet operations
 - Discussed ORVR verification using VIN, make, model, year and build of vehicle
 - Commented ORVR verification process is being used at other air districts
- Comment letter is available on the South Coast AQMD website for PR 461.1





Addressing Stakeholder Comments

- Staff re-evaluated concepts and will be presenting the following revisions to address comment #1, #2, and #3:
 - Applicability
 - De minimis capacity for permitting and PR 461.1 requirements for Phase I/Phase II
 - Consumer retail mobile fueling
- Staff will be presenting rule language that clarifies applicability and new definitions to address comment #3



Agenda Item # 2

Applicability for PR 461.1



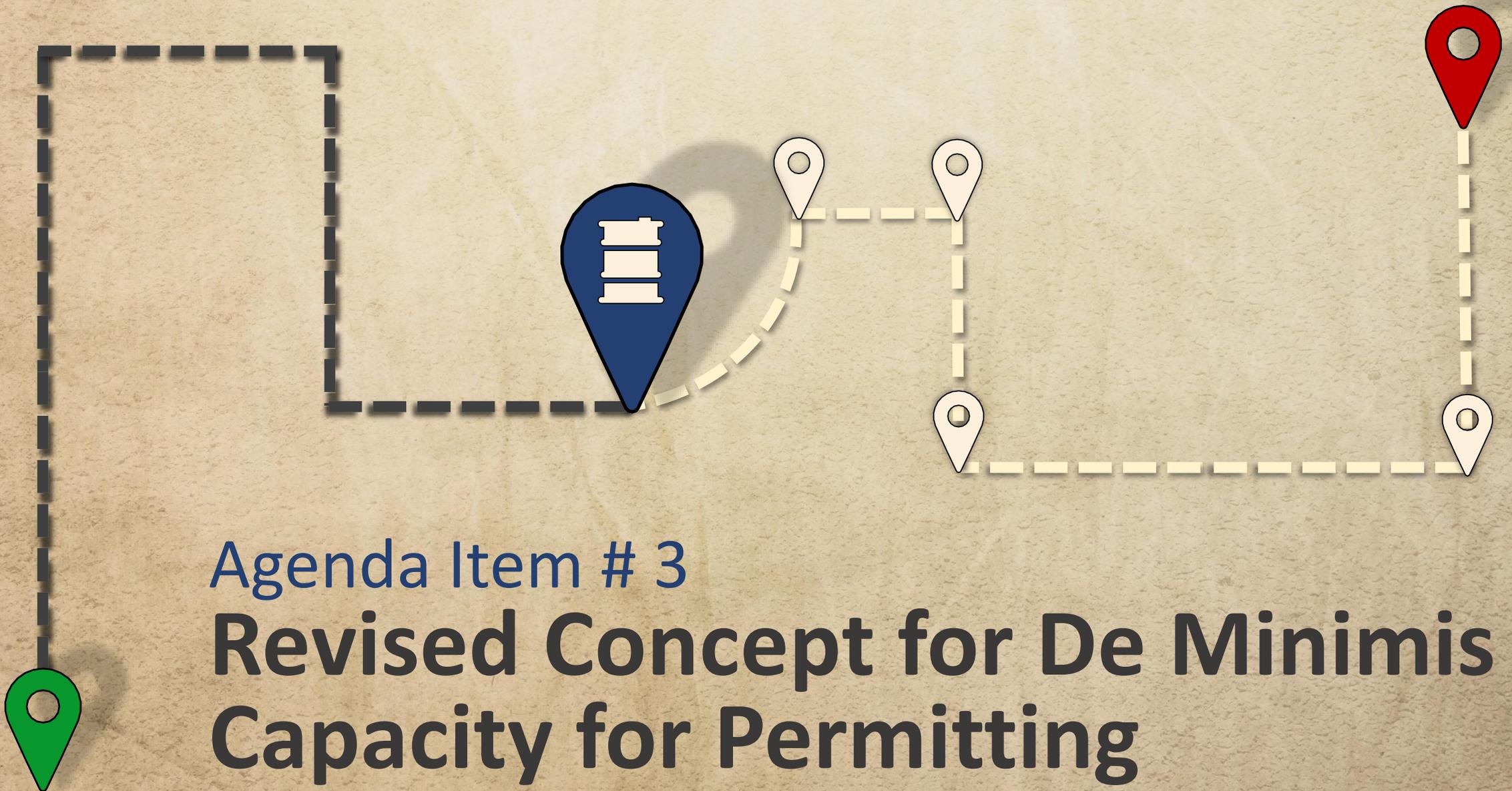
Initial Concept for Applicability for PR 461.1 (Presented at WGM#4)

- PR 461.1 would apply to mobile fueling operations
 - Apply to the transfer (loading/unloading) of gasoline:
 - From any source (e.g., such as a tank truck, trailer, railroad tank car, or storage tank) into any mobile fueler
 - From any mobile fueler into any motor vehicle fuel tank
- Initial concept does not address other forms of mobile fueling operations
- Emissions from other forms of mobile fueling are unregulated



Revised Concept for Applicability

- PR 461.1 would apply to:
 - Retail and non-retail mobile fueling operations that are dispensing or transferring gasoline
 - Includes dispensing of gasoline into a motor vehicle, container, or equipment
 - Transfer of gasoline into or out of a mobile fueler
 - Owner or operator dispensing location that allows retail gasoline mobile fueling operations



Agenda Item # 3

Revised Concept for De Minimis Capacity for Permitting



Current Permitting Requirements for Mobile Fuelers

Rule 203 – Permit to Operate

- Requires equipment, processes, or operations to be permitted if it may:
 - Cause the issuance of air contaminants; or
 - Reduce or control the issuance of air contaminants



- Storage and dispensing of gasoline emits air contaminants
- Rule 461 requires Phase I and II vapor recovery for mobile fuelers with capacity > 120 gallons

Rule 219 – Equipment not Requiring a Written Permit Pursuant to Regulation II

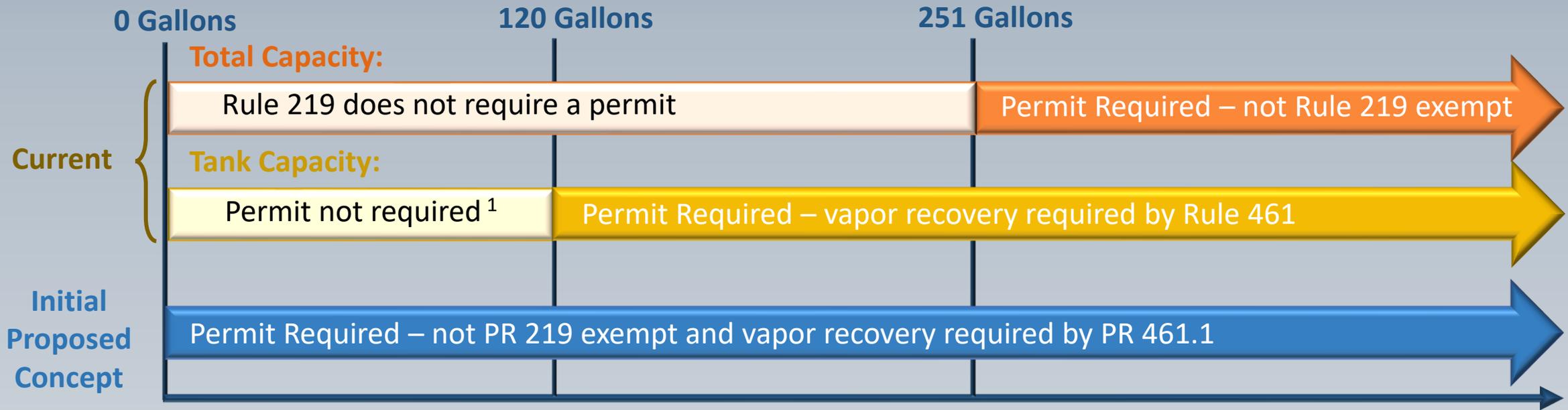
- Identifies equipment, processes, or operations that do not require a permit because of very low emissions
- Includes exceptions
- Any equipment that does not require a permit must meet the recordkeeping requirements



- Permits are not required for a mobile fueler if:
 - Cumulative capacity of < 251 gallons and
 - Tank capacity of < 120 gallons



Initial Proposed Concepts for PAR 219 (m)(9) Mobile Fueling Operations (Presented at Last WGM)



- Initial proposed concept required all mobile fuelers that dispense gasoline into a motor vehicle to be permitted (no distinction between retail and non-retail mobile fuelers)
- Stakeholder Comments:
 - Requested a de minimis capacity
 - Exemptions for mobile fueling for roadside assistance

¹ If a vapor recovery system is installed on mobile fueller less than 120 gallons, a permit is required



Mobile Fueling Categories

Non-Retail

Fueling vehicles owned or under direct control by the same owner or operator as the mobile fueler

Retail

Fueling vehicles owned and operated by a business, organization, or private individual that is not the owner or operator as the mobile fueler

- Retail mobile fuelers have a much broader universe of vehicles and have the potential dispense higher volumes
- Non-retail mobile fuelers would generally dispense less gasoline than a retail operation because:
 - Universe of vehicles is limited to those vehicles owned or operated by that company
 - Primary purpose is to refuel for operational needs as compared for profit
- Staff is proposing different de minimis thresholds for non-retail and retail mobile fueling



Mobile Fueler de Minimis Threshold for Permit Exemption

- Approach for establishing de minimis threshold
 - Staff is using a threshold of one pound per day for establishing a de minimis threshold
 - One pound of VOC per day threshold is used for New Source Review applicability for permitting
 - Less than one pound per day of VOC for uncontrolled fueling would be ≤ 50 gallons per day
- Staff is proposing two separate de minimis thresholds for non-retail and retail mobile fuelers
- Staff is proposing a higher de minimis threshold for non-retail due to the limited universe and purpose of non-retail mobile fuelers
- Staff is proposing a lower threshold to discourage operators from using smaller tanks to conduct a retail operation



Revised Proposed Concepts for Permitting Requirements for Mobile Fueler

Non-Retail

- Require permitting for cumulative capacity greater than 110 gallons
- Require registration for cumulative capacity greater than 50 and less than or equal to 110 gallons with recordkeeping requirements to ensure VOC emissions are less than one pound per day

Retail

- Require permitting for cumulative tank capacity greater than 10 gallons

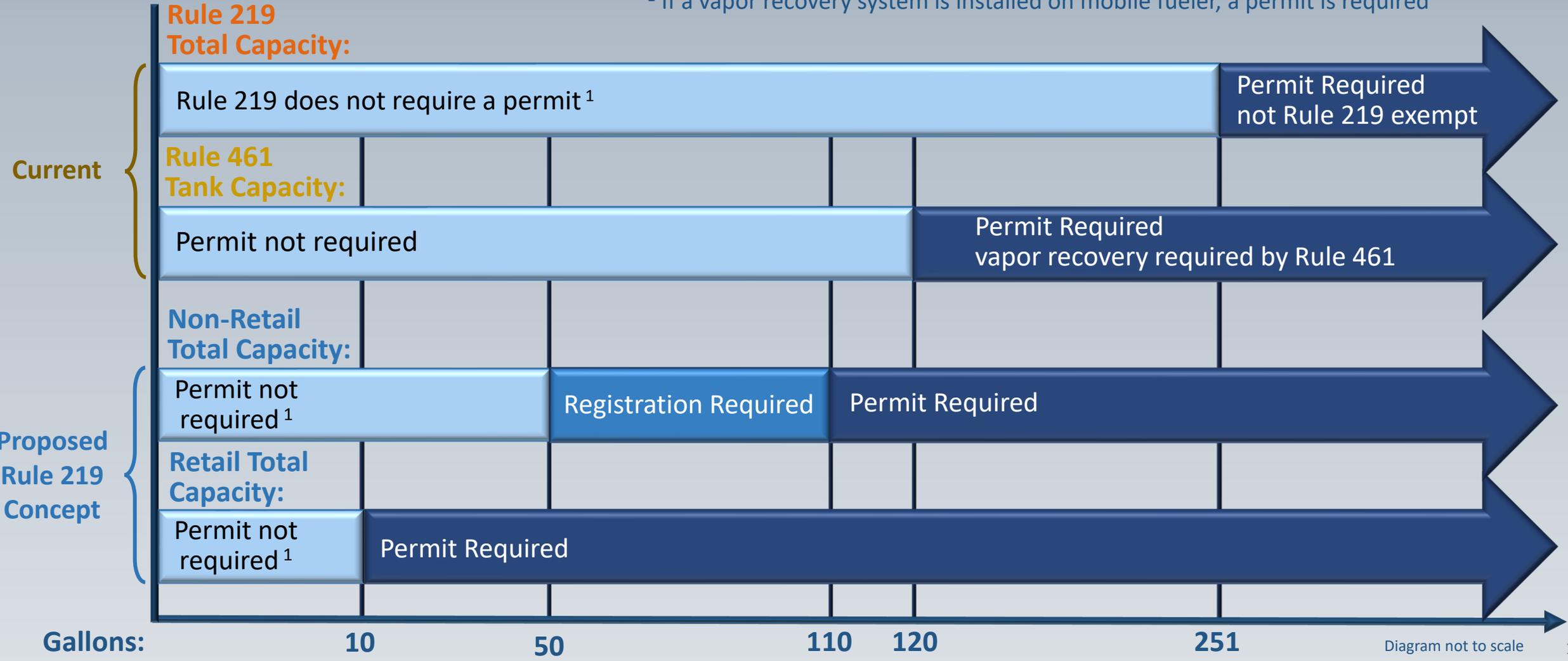
○ Small User Exemption

- No permitting or registration required provided the cumulative capacity is 10 gallons or less
- Designed to address emergency roadside service



Revised Proposed Concepts for PAR 219 (m)(9) Mobile Fueling Operations

¹ If a vapor recovery system is installed on mobile fueler, a permit is required





Proposed Revisions to Rule 219

- The de minimis threshold would be incorporated through proposed amendments to Rule 219
- Remove gasoline mobile fueler exemption from PAR 219 (m)(9)
 - Retail mobile fueler with a cumulative capacity ≤ 10 gallons exemption would be addressed in PAR 219 (m)(10)
 - Non-retail mobile fueler with a cumulative capacity of ≤ 50 gallons exemption would be addressed in PAR 219 (m)(11)
 - Non-retail mobile fueler with a cumulative capacity of > 50 to ≤ 110 gallons exemption would be addressed in PAR 219 (m)(12)



Proposed Rule Language for Rule 219 (m)(9)

(9) Equipment used exclusively for VOC containing liquid storage or transfer to and from such storage, of less than 950 liters (251 gallons) capacity or equipment used exclusively for the storage of odorants for natural gas, propane, or oil with a holding capacity of less than 950 liters (251 gallons) capacity and associated transfer and control equipment used exclusively for such equipment provided a filing pursuant to Rule 222 is submitted to the Executive Officer. This exemption does not include asphalt or a mobile fueler of any gasoline capacity. In addition, this exemption does not apply to a group of more than one VOC-containing liquid or odorant tank where a single product is stored, where the combined storage capacity of all tanks exceeds 950 liters (251 gallons), and where the tanks are mounted on a shared mobile platform and stored at a facility.

- Mobile fuelers that exclusively dispense diesel would remain be exempt under Rule 219 (m)(3) and (m)(4)



Proposed Rule Language for Rule 219 (m)(10) and (m)(11)

(10) A retail mobile fueler with a cumulative storage capacity less than or equal to 38 liters (10 gallons) of gasoline.

(11) A non-retail mobile fueler with a cumulative storage capacity less than or equal to 189 liters (50 gallons) of gasoline.

(12) A non-retail mobile fueler with a cumulative storage capacity greater than 189 liters (50 gallons) and less than or equal to 416 liters (110 gallons) of gasoline provided that:

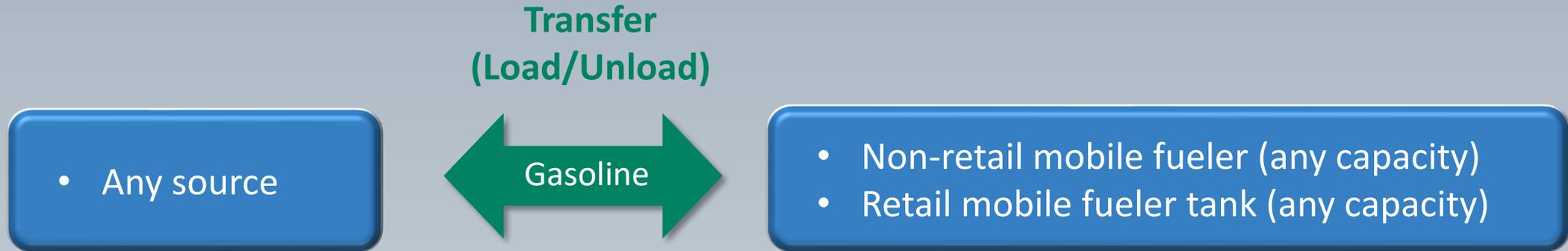
(A) The total gasoline dispensed is 5,678 liters (1,500 gallons) per calendar month or less; and

(B) A filing pursuant to Rule 222 is submitted to the Executive Officer.

- Incorporates revised exemption from permitting for mobile fuelers that dispense gasoline
- Rule 222 – Filing Requirements for Specific Emission Sources Not Requiring a Written Permit Pursuant to Regulation II provides alternative to written permits
- Recordkeeping required to demonstrate gasoline throughput is less than 1,500 gallons per month (50 gallons x 30 days/month)



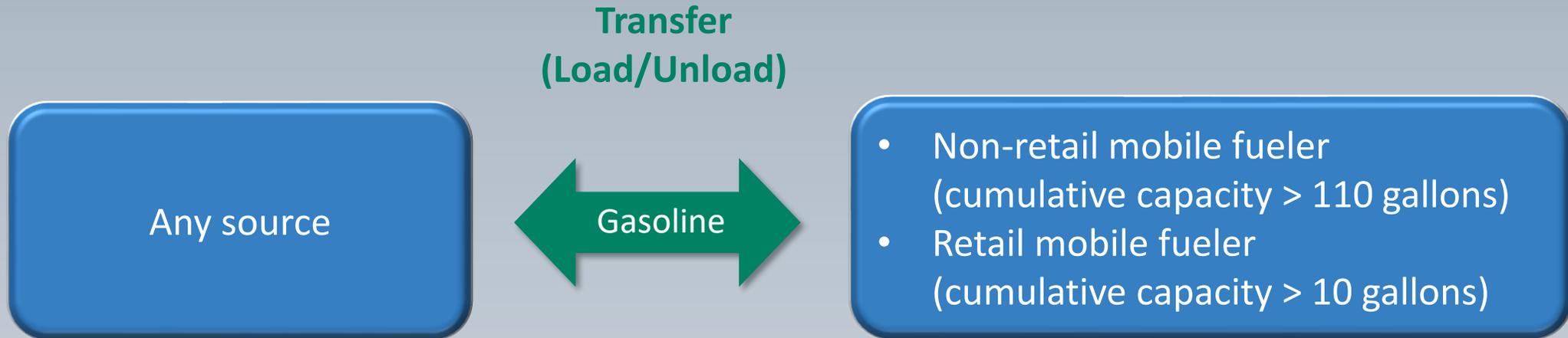
Initial Concept for Transferring Gasoline into a Mobile Fueling Tank with Phase I Vapor Recovery Presented at Last WGM



- Any non-retail or retail mobile fueler must be equipped with CARB certified Phase I vapor recovery equipment capable of demonstrating ongoing compliance with the vapor integrity requirements contained in CARB's "CP-204, Certification Procedures for Vapor Recovery Systems of Cargo Tanks"
- Alternatives must be certified by CARB to demonstrate the performance standard
- Need to reflect revisions to approach for permitting concepts of mobile non-retail and retail mobile fuelers



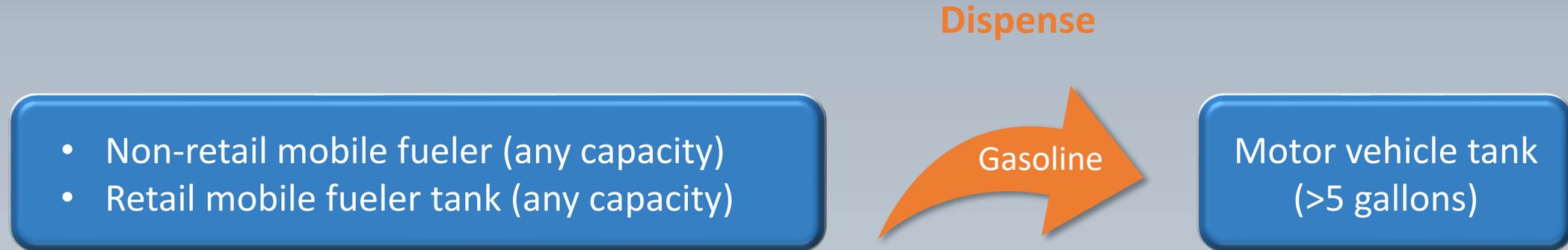
Revised Concepts for Transferring Gasoline into a Mobile Fueling Tank with Phase I Vapor Recovery



- Any non-retail mobile fueler with a cumulative capacity > 110 gallons or any retail mobile fueler with a cumulative capacity > 10 gallons must be equipped with CARB certified Phase I vapor recovery equipment capable of demonstrating ongoing compliance with the vapor integrity requirements contained in CARB's "CP-204, Certification Procedures for Vapor Recovery Systems of Cargo Tanks"



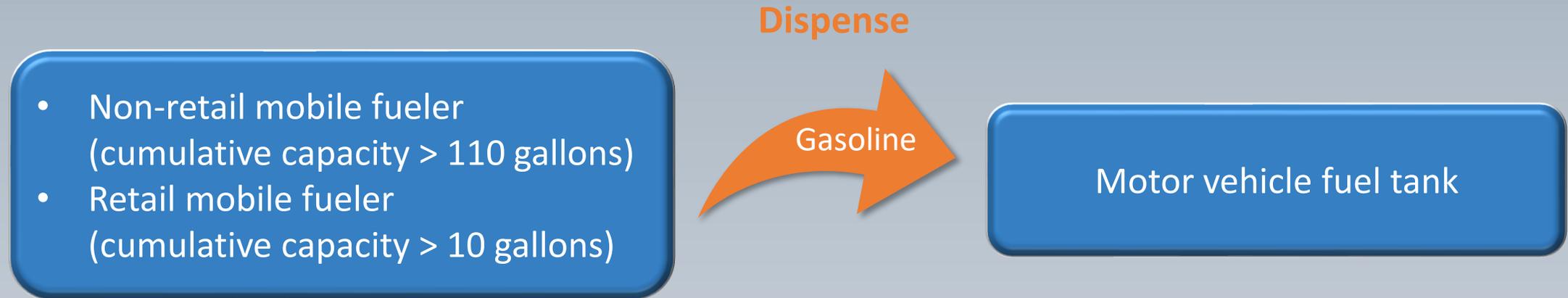
Initial Concepts for Mobile Fueler Fuel Dispensing with Phase II Vapor Recovery Systems Presented at Last WGM



- Any non-retail or retail mobile fueler must be equipped with CARB certified equipment for dispensing fuel from a mobile fueler to a motor vehicle, regardless of the capacity
- Staff is considering allowing retail mobile fuelers to use of a CARB certified non-vapor recovery equipment for dispensing until a CARB certified Phase II vapor recovery system is commercially available
- Need to reflect revisions to approach for permitting concepts of mobile non-retail and retail mobile fuelers



Revised Concepts for Mobile Fueler Fuel Dispensing with Vapor Recovery Systems

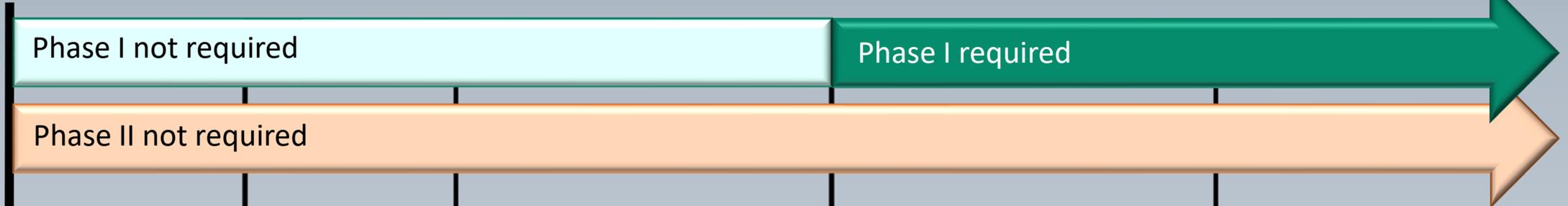


- Any non-retail mobile fueler with a cumulative capacity > 110 gallons or any retail mobile fueler with a cumulative capacity > 10 gallons must be equipped with CARB certified Phase II vapor recovery system
- Proposing allowing retail mobile fuelers to use CARB certified non-vapor recovery equipment for dispensing until a CARB certified Phase II vapor recovery system is commercially available

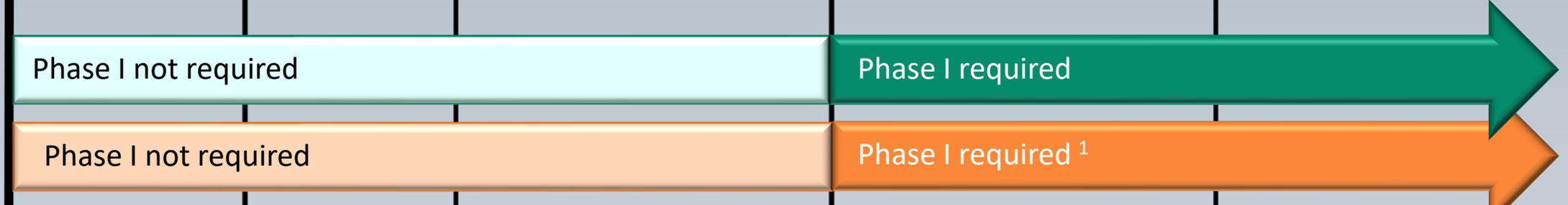


Revised Proposed Concepts for Phase I and Phase II Vapor Recovery Systems

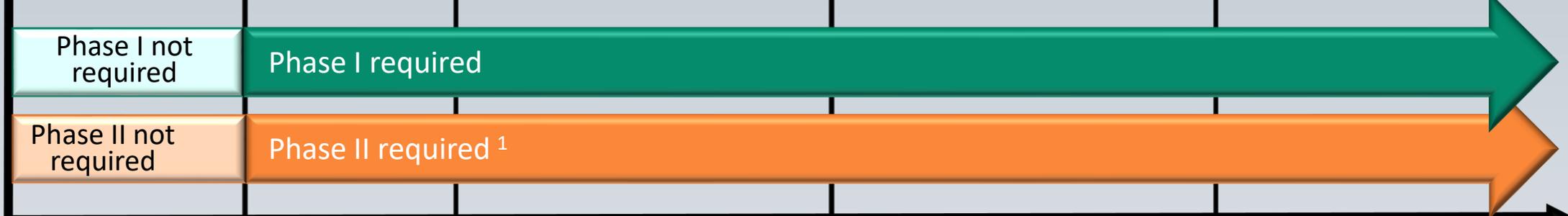
Proposed Non-Motor Vehicle Concept



Proposed Motor Vehicle Non-Retail Concept



Proposed Motor Vehicle Retail Concept



Total Gallons:

10

50

110

251

¹ Temporarily allow CARB certified non-phase II systems 26



Revised Concept for Retail and Non-Retail Phase I and Phase II

Mobile Fueling System	Cumulative Gasoline Capacity (Gallons)	Would Require Phase I and Phase II Vapor Recovery System?		Would be allowed to operate?	
		Non-Retail	Retail	Non-Retail	Retail
 1 Phase I and Phase II Cab and Chassis Truck with Cargo Tank	≥ 300	Yes	Yes	Yes*	Yes*
 2 Phase I Cab and Chassis Truck with Cargo Tank	≥ 1,200	Yes, No Phase II Temporarily	Yes, No Phase II Temporarily	Yes, Temporarily	Yes, Temporarily
 3 Pickup Truck with 3 Tanks	≥ 251	Yes	Yes	No**	No**
 4a Pickup Truck with 1-2 Tanks	120 - 251	Yes	Yes	No**	No**
 4b Pickup Truck with 1-2 Tanks	10 - 120	No	Yes	Yes	No**

* Yes, for mobile fuelers that are currently certified and when mobile fueler is re-certified

** Retail fueling for mobile fueling models 3, 4a, and 4b would be prohibited from operating until a system is CARB certified



Agenda Item # 5

Allowance of Consumer Retail Fueling



Initial Concept for Retail Mobile Fueling Customer Types Discussed at Last WGM

- During Working Group #5, staff discussed two general types of customer fueling:
 - Fleet fueling – Fueling vehicles owned and operated by a business or organization
 - Consumer fueling - Fueling vehicles owned and operated by a private individual
- Initial concept for retail mobile fueling:
 - Allow fueling at locations with fleets
 - Prohibit fueling at consumer locations
- Stakeholders commented that consumer retail mobile fueling should be allowed as there is not a distinction between consumer and fleet retail mobile fueling



Revised Concepts for Retail Mobile Fueling Customer Types

- Staff has revised the concepts for fleet and consumer retail mobile fueling operations
- PR 461.1 would allow retail mobile fueling at:
 - Fleet fueling locations
 - Consumer fueling locations
- Both the mobile fueler and the dispensing location would be subject to the rule
- Mobile Fueler would require a permit
- Dispensing location would either require a registration or permit



Proposed Approach for Establishing Throughput Limits for Mobile Fuelers

- A retail mobile fueler permit would specify the monthly throughput limit for dispensing at any single dispensing location (unless the site has its own dispensing location permit)
 - Determination of monthly throughput would be based on:
 - Health risk estimate
 - Worst meteorological station for each county
 - Downwind sensitive receptor located 25 meters
- Alternatively, an operator may apply for dispensing location permit where the determination of the monthly throughput would be based on:
 - Health risk estimates
 - Most representative meteorological for specific dispensing location
 - Actual receptor distance



Proposed Approach for Operators with Different Types of Mobile Fuelers

- Staff is proposing that operators with different types of mobile fuelers (i.e. Model 1 or Model 2) would be limited to the most restrictive (lowest) throughput of any mobile fueler that operates at the site for the month
- **Example:** A mobile fueling company operates two different types of mobile fueler configurations with different dispensing location throughput limits
 - Permit Limit for Mobile Fueler A: 50,000 gallon/month for each dispensing location
 - Permit Limit for Mobile Fueler B: 25,000 gallon/month for each dispensing location
 - Mobile Fueler B has the lowest permitted throughput and would be used to establish the cumulative dispensing limit for all mobile fuelers at the dispensing location



Implementation Concept – Dispensing Location Registration

- Dispensing location would submit a registration under Rule 222
- Registration would require the following information:
 - Facility ID, name, contact information
 - The mobile fueling company that would be solely operating at the location
 - Title V status
 - Map that indicates property lines
 - Nearest school and sensitive receptor (property line to property line)
 - Local fire authority written approval
 - Fueling start date
 - General fueling schedule (i.e. Monday through Friday 9 AM to 5 PM)
- Throughput would be limited to the most restrictive (lowest) throughput of any mobile fueler that operates at the site for the month
- New registration is required if dispensing location changes the mobile fueling company
 - Only allowed to change mobile fueling companies at the start of the calendar month



Implementation Concept – Dispensing Location Permit

- An owner or operator of a dispensing location would apply for a permit in lieu of a registration if:
 - Rather than the worst-case throughput, a higher site-specific throughput is desired
 - The site is a Title V facility
 - Location is within 1,000 feet of a school
- Permit application would include:
 - List of all mobile fuelers that would operate at the site
 - Changes to the permitted mobile fuelers operating at the location would require a permit modification
 - Mobile fueller equipment information
 - Map that indicates property lines
 - Nearest school and sensitive receptor (property line to property line)
 - Local fire authority written approval
 - Site-specific throughput would be established based on the evaluation of the mobile fueling equipment
- Dispensing location permit would specify equipment and company



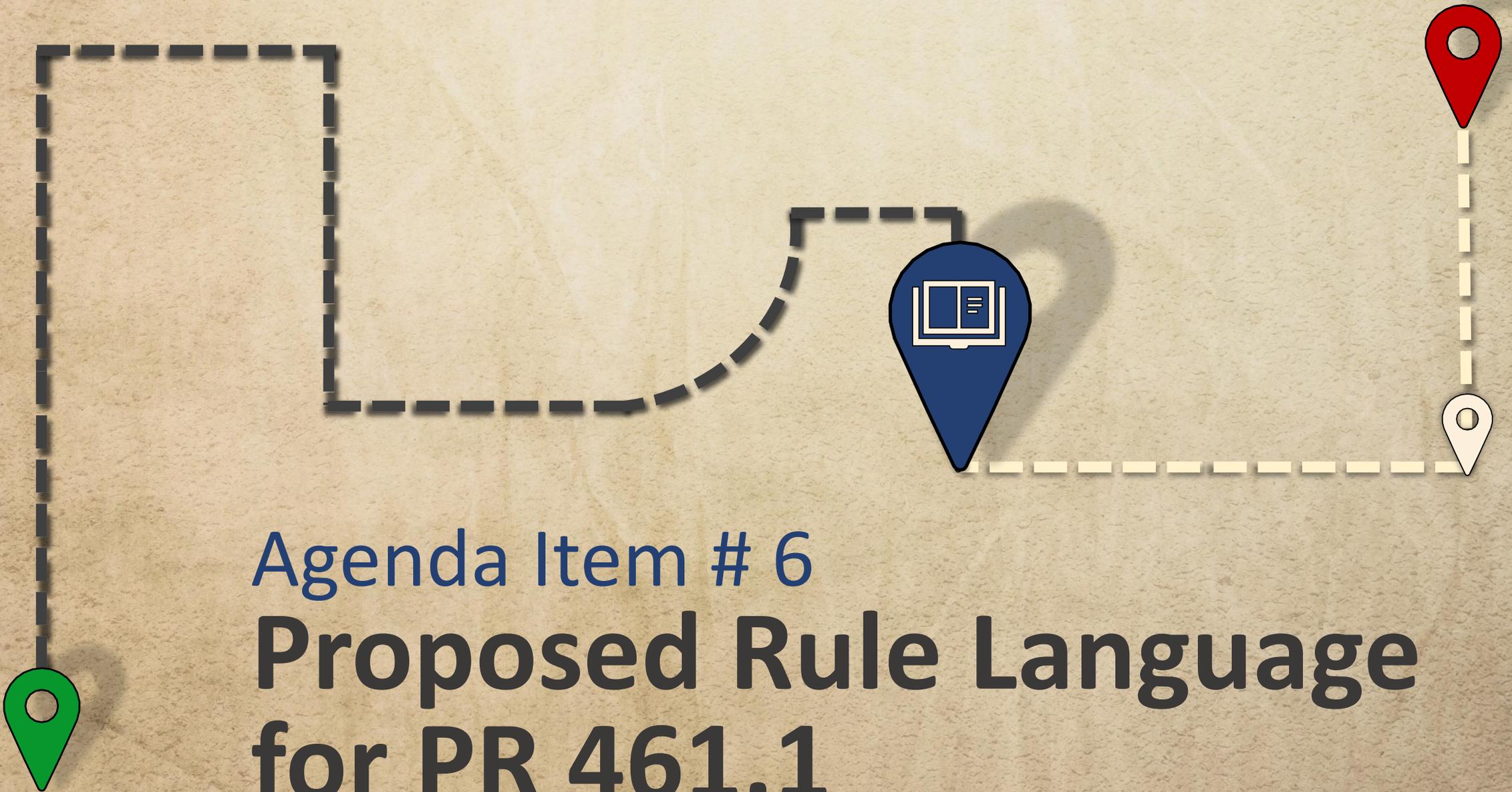
Proposed Rule Concepts for Retail Mobile Fueler

- Retail operations would only be limited to sites where the mobile fueling company is identified on the dispensing location registration or permit
 - For locations with a dispensing location permit, only mobile fuelers specified in the permit would be permitted to operate at the site
- Submit throughput records for each dispensing location
- Submit list of mobile fuelers that operated at a dispensing location in each month
- Provide a copy of mobile fueler permits to the owner or operator of the dispensing location
- Prohibited from operating at a dispensing location that is within 83 feet of any sensitive receptor (except a school)
- May only operate at a dispensing location that is within 1,000 feet of a school if the site has a dispensing location permit
- All distances are measured property line to property line



Proposed Rule Concepts for Retail Dispensing Locations

- Register or permit sites where retail mobile fueling would be conducted
- Allow only the mobile fueling company identified in the registration or permit operate to perform mobile fueling operations at the site
- Maintain a list of mobile fuelers that are operating at the dispensing location
- No dispensing locations would be allowed within 83 feet (25 meters) of any sensitive receptor
- Dispensing locations within 1,000 feet of any school require a dispensing location permit to operate
- All distances are measured property line to property line



Agenda Item # 6
**Proposed Rule Language
for PR 461.1**



Proposed Rule Language

- Proposed rule language is based on:
 - Concepts presented at previous working group meetings
 - Incorporates comments from stakeholders
 - Rule 461
 - Staff research
- Proposed rule language that will be introduced today:
 - Purpose
 - Applicability
 - Definitions
- Future working groups would include proposed rule language for PR 461.1, PAR 219, and PAR 222 as concepts continue to be developed



(a) Purpose

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

- Included “Purpose” – typical in most South Coast AQMD rules
- PR 461.1 would address gasoline emissions (VOC and toxics) and consider the impact of idling emissions when operating a mobile fueler



(b) Applicability

This rule applies to an owner or operator of a mobile fueler that conducts retail or non-retail operations. This rule also applies to the owner or operator of a dispensing location that allows retail gasoline mobile fueling.

MOBILE FUELER means a self-propelled vehicle that has onboard one or more storage containers or tanks and associated equipment used to receive, store, and dispense gasoline.

DISPENSING LOCATION means any 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.



(c) Definitions - From Rule 461

○ PR 461.1 would incorporate the following definitions from Rule 461:

- BREAKAWAY COUPLING
- CARB CERTIFIED
- CLEARLY AND PERMANENTLY MARKED
- COAXIAL HOSE
- GASOLINE
- GASOLINE VAPORS
- INSERTION INTERLOCK MECHANISM
- LIQUID REMOVAL DEVICE
- LIQUID TIGHT
- MAJOR DEFECT
- MINOR DEFECT
- PERFORMANCE TEST
- PRESSURE/VACUUM RELIEF VALVE
- QUALIFIED MANUFACTURER
- QUALIFIED REPAIR
- REBUILD
- RE-VERIFICATION TEST
- VAPOR CHECK VALVE
- VAPOR TIGHT



(b) Definitions – Motor Vehicle

MOTOR VEHICLE means a self-propelled vehicle by which any person or property may be propelled, moved, or drawn upon a highway.

- Motor vehicle includes cars, trucks, and recreational vehicles
- Not include vehicles that would not operate on a highway, such as air planes, boats, or off-road equipment
- Motor vehicle definition based on California Vehicle Code definitions “Motor Vehicle” and “Vehicle”
- Definition incorporated into PR 461.1 to be independent of any changes to California Vehicle Code



(c) Definitions – Sensitive Receptor and School

SENSITIVE RECEPTOR means any residence including private homes, condominiums, apartments, and living quarters. A sensitive receptor also includes schools, daycare centers, health care facilities such as hospitals or retirement and nursing homes, long term care hospitals, hospices, prisons, and dormitories or similar live-in housing.

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.

- School and sensitive receptor definitions are from recent South Coast AQMD toxic rule developments to include other pre-school programs
- Requirements that limit retail mobile fueling near a sensitive receptor or school would be discussed in future working group meetings
- Staff is considering modifying the definition of school to include adjacent properties that are used by the school that are not on school property



(c) Definitions – Retail Mobile Fueler

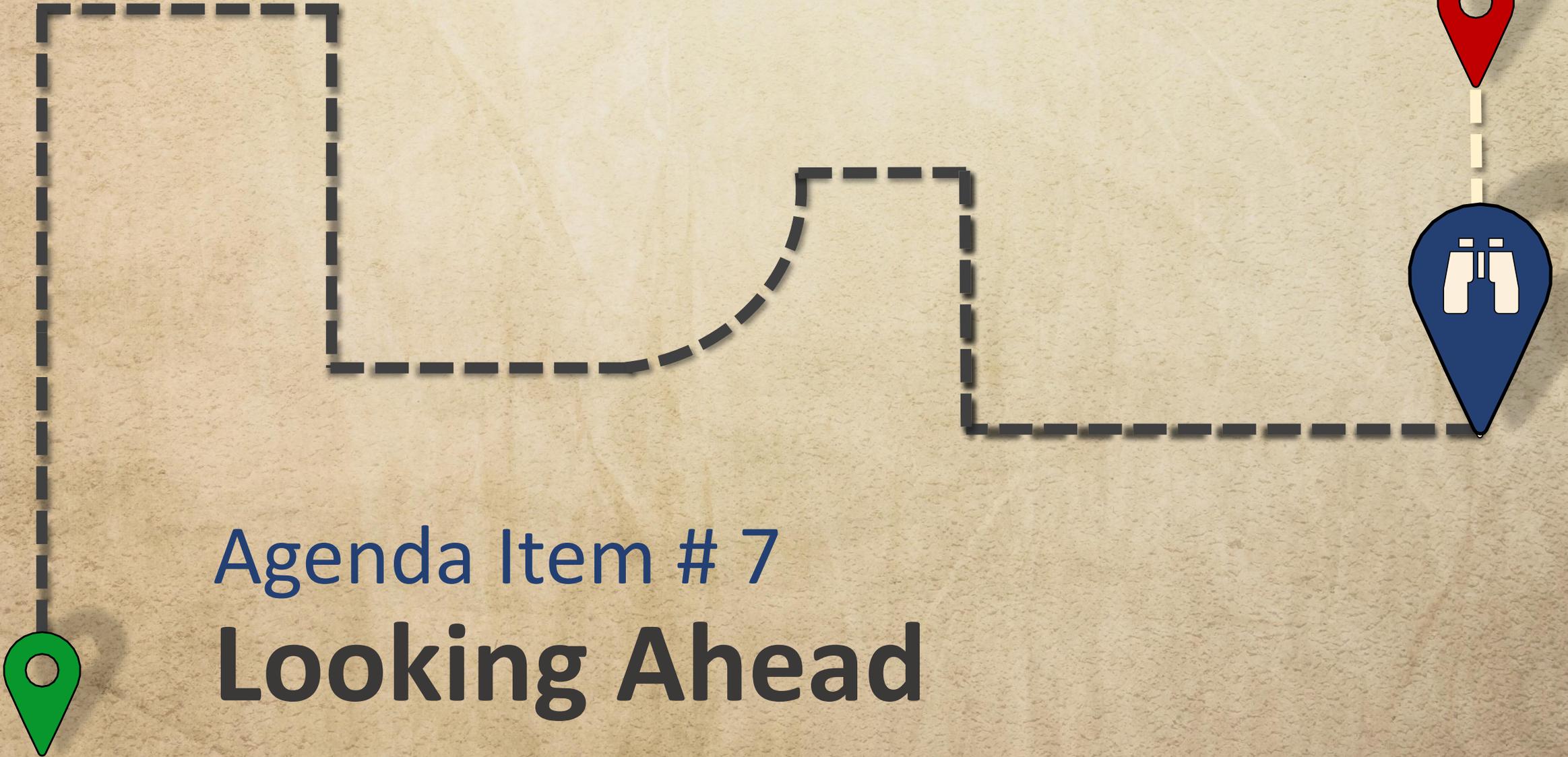
Rule 461 definition:

RETAIL GASOLINE TRANSFER AND DISPENSING FACILITY is any gasoline transfer and dispensing facility subject to the payment of California sales tax for the sale of gasoline to the public.

New PAR 461.1 definition:

RETAIL MOBILE FUELER means a mobile fueler that is compensated for the transfer or dispensing of gasoline.

- Added compensated gasoline transfer and dispensing facility to include other type of retail mobile fuelers that provide gasoline as part of service package
- Modified the definition as mobile fuelers may not require direct payment for gasoline different to payments a stationary gasoline dispensing facility



Agenda Item # 7
Looking Ahead



Next Steps



Public Hearing



Develop rule concepts



Continue information gathering



Hold working group meetings



PARs 461, 219, and PR 461.1 Staff Contacts

Please contact staff with any questions or comments

Britney Gallivan

 (909) 396-2792

 bgallivan@aqmd.gov

Neil Fujiwara

 (909) 396-3512

 nfujiwara@aqmd.gov

Susan Nakamura

 (909) 396-3105

 snakamura@aqmd.gov

Additional information is located on the [South Coast AQMD Proposed Rules and Proposed Rule Amendments Website](#)

To receive email notifications, sign up via the [South Coast AQMD Newsletter Sign Up Website](#)