

# **Regulation III**

## **Rule 301 – Local Airborne Toxic Control Measure for the Control of Benzene from Retail Gasoline Dispensing Facilities**

*This Rule was first adopted on January 19, 1988.*

*The current version was adopted by the Governing Board via Resolution 2015-1 on March 12, 2015.*

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# RULE 301

## LOCAL AIRBORNE TOXIC CONTROL MEASURE FOR THE CONTROL OF BENZENE FROM RETAIL GASOLINE DISPENSING FACILITIES

- A. PURPOSE:** On January 25, 1985, pursuant to Section 39662 of the H&SC, the ARB identified benzene as a toxic air contaminant for which there is not sufficient available scientific evidence to support the identification of a threshold exposure level below which no significant adverse health effects are anticipated (see Title 17, CCR, Section 93000). This Airborne Toxic Control Measure will reduce benzene emissions from retail service stations and resulting cancer risk and cancer incidence to the lowest level achievable through application of best available control technology at stations subject to this measure.

This regulation is adopted pursuant to the provisions of Sections 93100 and 93101, Titles 17 and 26, of the CCR.

- B. APPLICABILITY:** This regulation shall apply to any new or modified retail service station constructed or modified after January 16, 1989; or to any existing retail service station with a gasoline throughput in excess of 480,000 gallons per year in 1988, or any calendar year thereafter.

**C. PERMITS:**

1. **Throughput in Excess of 480,000 Gallons:** Any owner or operator of an existing retail service station with a throughput in excess of 480,000 gallons per year in the calendar year 1988, or any year thereafter, shall file an application for an Authority to Construct Phase I and Phase II vapor recovery systems with the District. The application shall be filed with the District prior to April 1, 1990, and the applicant shall pay the fees as specified in Regulation IV, Rule 400 - Fees.
2. **New Construction After January 16, 1989:** Any owner or operator of a new retail service station of any throughput constructed after January 16, 1989, or of a modified retail service station of any throughput for which modifications are made after January 16, 1989, shall file an application for an Authority to Construct Phase I and II vapor recovery systems with the District prior to the start of construction, and shall pay the Fees as specified in Regulation IV, Rule 400 - Fees.

**D. BENZENE CONTROL FROM RETAIL GASOLINE DISPENSING FACILITIES:**

1. **Phase I Vapor Recovery System Requirements:**
  - a. No owner or operator shall transfer, allow the transfer, or provide equipment for the transfer of gasoline, and no other person shall transfer gasoline from a gasoline delivery tank equipped with a vapor recovery system into a stationary storage tank at a retail service station unless an ARB-certified Phase I vapor recovery system is installed on the stationary storage tank and used during the transfer. The ARB- certified Phase I vapor recovery system shall meet 90% vapor recovery efficiency as determined by ARB Test Method TP-201.1 or TP-201A.

- b. The provisions of Rule 301 (D)(1)(a) shall not apply to:
  - i. An existing retail service station with a gasoline throughput of 480,000 or fewer gallons during the calendar year 1988. If during any calendar year thereafter the gasoline throughput at any existing retail service station exceeds 480,000 gallons, this exemption shall cease to apply commencing with the first day of the following calendar year.
  - ii. A transfer to a stationary storage tank at an existing retail service station which receives gasoline exclusively from delivery tanks that are not required to be equipped with vapor recovery systems.
- c. At the time of modifications at any existing retail service station of any throughput, ARB-certified Phase I vapor recovery systems shall be installed and used thereafter on all of the station facilities, except those stations which are exempt from the Phase I requirement by Rule 301 (D)(1)(b).

## **2. Phase II Vapor Recovery System Requirements:**

- a. No owner or operator shall transfer, allow the transfer or provide equipment for the transfer of gasoline from a stationary storage tank at a retail service station into a motor vehicle fuel tank unless an ARB-certified Phase II vapor recovery system is installed and used during the transfer. The ARB-certified Phase II vapor recovery system shall meet 90% vapor recovery efficiency as determined by ARB Test Method TP-201.2 or TP-201.2A.
- b. The provisions of Rule 301 (D)(2)(a) shall not apply to an existing retail service station which qualifies under the throughput exemption for Phase I requirements of Rule 301(D)(1)(b)(i).
- c. At the time of modifications at any existing retail service station of any throughput, ARB-certified Phase II vapor recovery systems shall be installed and used thereafter on all of the station facilities. This provision shall not apply to any new, existing or remotely located retail gasoline service station, open to the public, which has past and anticipated future annual throughput of 100,000 gallons or less. A remotely located service station is one which is located 8 miles travel or more from the nearest publicly available permitted or existing retail service station at the time of initial permitting or a retail gasoline station with an equivalent travel distance and throughput combination that provides an overall air quality benefit. During any calendar year thereafter, if annual throughput exceeds 100,000, this exemption shall cease to apply. The plumbing for Phase II shall be required to be installed to the extent practicable by issued permit to construct or modify.
- d. The operator of each retail facility utilizing a Phase II system shall conspicuously post operating instructions for the system in the gasoline dispensing area. The instructions shall clearly describe how to fuel vehicles correctly with vapor recovery nozzles utilized at the station, and shall include a warning that topping off may result in spillage or re-circulation of gasoline and is prohibited. Additionally, the instructions shall include a prominent display of the District's or the ARB's toll free telephone number for complaints.

**E. COMPLIANCE ENFORCEMENT:**

1. No owner or operator of a retail service station, subject to the requirements of Rule 301(D), shall transfer or allow the transfer of gasoline from a gasoline delivery tank into a stationary storage tank unless the Phase I vapor recovery system is operating in accordance with the manufacturers specifications and is maintained to be leak free, vapor tight and in good working order.
2. Phase II gasoline vapor recovery equipment shall be maintained to be leak free, vapor tight and in good working order. Whenever the APCO determines that a Phase II vapor recovery system contains a defect the APCO shall mark such system or component "Out of Order." No owner or operator shall use or allow the use of any Phase II system or any component thereof containing a defect identified in Title 17, CCR Section 94006 until it has been repaired, replaced, or adjusted, as necessary to remove the defect, and, if required under Health and Safety Code Section 41960.2, District personnel have re-inspected the system or have authorized its use pending re-inspection.
3. Phase II vapor recovery systems shall not be operated with defects including:
  - a. Torn or cut boots
  - b. Torn or cut face seals or face cones
  - c. Loose or broken retractors Boots clamped or held in an open position
  - d. Leaking nozzles
  - e. Loose, missing or disconnected nozzle components
  - f. Crimped, cut or damaged vapor or fuel hoses
  - g. Vapor assist recovery systems damaged, turned-off or inoperative
  - h. Non-"ARB certified" equipment or components

**F. COMPLIANCE SCHEDULE:**

1. Effective January 16, 1989, the owner or operator of any new or modified retail service station subject to this regulation shall comply with all its provisions at the time gasoline is first sold from the new or modified station.
2. The owner or operator of an existing retail service station subject to this regulation shall, prior to April 1, 1990, secure an Authority to Construct from the District for installation of the equipment required by Regulation. The owner or operator shall comply with all the provisions of Rule 301(D) prior to January 1, 1991.
3. The owner or operator of an existing retail service station where the operation or annual throughput has changed such that the exemption from either the Phase I or II requirements or both are no longer applicable, shall comply with the provisions of Rule 301(D) within 12 months after loss of said exemptions.