

## **Air Resources Board and State Water Board Responses to Comments Received on the Proposed “Guidelines for Determination of Compliance of Enhanced Vapor Recovery (EVR) Systems with Underground Storage Tank (UST) Statutes” presented at the February 28, 2005, workshop**

### Comment 1: Involve State Water Resources Control Board (State Water Board) Early in Certification Process

The proposed guidelines provide that Air Resources Board (ARB) will notify the State Water Board when a certification test site is sealed. You suggested that ARB should notify the State Water Board at least 60 days prior to seal so that the State Water Board can conduct a review prior to the start of the 180-day operational test period. You also suggested that ARB notify State Water Board when a request to modify an EVR system is received in order to initiate the review process.

Response: We agree that it is beneficial for the State Water Board to review new EVR system application and modification requests before the start of the operational test. The proposed guidelines have been revised to require that ARB copy State Water Board on the first correspondence to the equipment manufacturer who has submitted a certification application. The State Water Board review process will begin once the equipment manufacturer responds back to ARB on this topic. Soon, the revised “Guidelines for Determination of Compliance of Enhanced Vapor Recovery Systems with Underground Storage Tank Statutes” will be available online on both agencies websites.

### Comment 2: ARB and State Water Board Should Work Closely on Rulemakings

ARB and State Water Board should work together to identify potential conflicts of UST and EVR programs during the rulemaking phase. Western States Petroleum Association (WSPA) and California Independent Oil Marketers Association (CIOMA) know that ARB and State Water Board already meet informally to discuss their respective programs, but would like this process formalized into the guidelines.

Response: We agree that this is already being accomplished during our regular ARB-State Water Board meetings. We have added the following language to the guidelines:

*ARB and State Water Board will continue the regular meetings to discuss any overlapping issues and coordinate to the extent practical to minimize any new deadline conflicts between the two agencies.*

### Comment 3: Adjust Program Deadlines if Warranted by Agency Review

The guidelines should include a section that requires any compatibility assessment take into account whether potential installation deadlines could be compromised and therefore appropriate action should be taken to adjust deadlines as necessary.

Response: Adjustment of deadlines as necessary is built-in to the vapor recovery program and has been exercised many times. Language has been added to the guidelines to clarify

that the ARB and State Water Board meetings include discussions of upcoming deadlines (see response to comment 2).

Comment 4: Involve Local Agencies in Review Process

The guidelines should include a role for local agencies to participate as early as possible. This could be accomplished by including the Certified Unified Program Agencies (CUPA) Forum and California Air Pollution Control Officers Association (CAPCOA) during the review process. A mechanism for local agency input and coordination should be formalized in the guidelines. Note that there is no regularized opportunity for CAPCOA and the CUPA Forum to meet with ARB and State Water Board.

Response: We agree that feedback on prospective EVR systems before final certification is desirable, but local agency resources are limited. Also, incorporating additional reviews serves to lengthen the current certification process, which can exceed a year with the current review process that already includes CAPCOA.

State Water Board staff discussed your concerns regarding CUPA/District coordination with the CUPA Forum Board (CFB) UST Issue Coordinators. The CFB representatives felt that coordination issues are mostly at the site level, and therefore the need for joint CFB/CAPCOA joint meetings is not clear. Please clarify the issues that you feel need high-level resolution that are not already being addressed by State Water Board /CFB, ARB/CAPCOA, and State Water Board/ARB coordination efforts.

Comment 5: Annual Meetings for All Stakeholders

An annual meeting for all interested parties to review technical and enforcement issues is also desired.

Response: This is already taking place at the vapor recovery sessions at the annual CUPA conferences. The vapor recovery sessions could be expanded if desired to allow more topics to be included. ARB and State Water Board staff also participates in industry conferences and meetings to provide updates on their respective programs.

Comment 6: Mechanism to Convene Agency/Industry Meetings as Needed

The guidelines should include a mechanism for local/state agencies and/or the regulated community to request meetings as needed as EVR/UST issues arise.

Response: Addressing in-use issues is beyond the scope of the guidelines, which are specific to reviews during system certification. However, ARB and State Water Board continue to welcome feedback on operation of systems and agree to work with industry to address issues as they arise. ARB and State Water Board are available upon request to meet with industry to address concerns as they arise. Note that EVR certifications are reviewed every four years and ARB solicits information from stakeholders before renewing certification Executive Orders.