

**RULE 412.1 Transfer of Gas to Vehicle Fuel Tanks** - Adopted 12/17/74, Amended 6/17/75, 12/30/75, 6/7/77, 6/20/78, 1/9/79, 6/26/79, 12/15/80, 1/9/89, 11/9/92

**I. Applicability**

This Rule applies to the transfer of gasoline into vehicle fuel tanks from stationary storage containers subject to the requirements of Rule 412 (Gasoline Transfer into Stationary Storage Containers, Delivery Vessels and Bulk Plants).

**II. Definitions**

- A. CARB-Certified Phase II Vapor Recovery System: a vehicle refueling vapor recovery system certified by the California Air Resources Board, pursuant to Section 41954 of the Health and Safety Code, as capable of collecting and controlling displaced gasoline vapors at an efficiency of at least ninety-five (95) percent by weight.
- B. Gasoline: any organic liquid, including petroleum distillates and alcohols having a Reid vapor pressure of four (4) pounds, or greater as determined by ASTM Test Method D323-82 and used as a motor vehicle fuel or any fuel which is commonly or commercially known or sold as gasoline.
- C. Gasoline Storage and Dispensing Facility: an aggregate of one or more stationary storage containers, and associated dispensing equipment, any of which is subject to the provisions of Rule 412 (Gasoline Transfer into Stationary Storage Containers, Delivery Vessels and Bulk Plants).
- D. Gasoline Vapors: the organic compounds in displaced vapors, including any entrained liquid gasoline.
- E. Hold-Open Latch: the integral component of a gasoline dispensing nozzle permitting the nozzle to remain open without sustained effort by the operator.
- F. Leak-Free: not having liquid (three drops per minute, or more), or vapor (10,000 ppmv as methane, or more) loss from gasoline dispensing or vapor collection components as determined by visual inspection and/or EPA Test Method 21.
- G. Major Modification: replacing, repairing, or upgrading 75%, or more of a CARB-Certified Phase II Vapor Recovery System.
- H. Motor Vehicle: any self propelled vehicle registered for use on public highways.
- I. Retail Service Station: any new or existing gasoline storage and dispensing facility subject to payment of California Sales Tax on gasoline dispensed.
- J. Topping Off: attempting to dispense gasoline into a motor vehicle fuel tank after a vapor recovery dispensing nozzle has automatically shut off.

### **III. Exemptions**

This Rule shall not apply to transfer of gasoline into motor vehicle fuel tanks from any gasoline storage and dispensing facility with a throughput of:

- A. less than or equal to 24,000 gallons per calendar year, and
- B. less than or equal to 10,000 gallons in any one month.

A facility whose gasoline throughput exceed the level in Section A. or B. shall lose the exemption provided by this Section.

### **IV. Requirements**

- A. A person shall not transfer or permit the transfer of gasoline from a stationary storage container into a motor vehicle fuel tank with a maximum capacity of more than five (5) gallons unless the gasoline dispensing unit is equipped with and has in correct operation a CARB-Certified Phase II Vapor Recovery System.
- B. A person shall not operate any CARB-Certified Phase II Vapor Recovery System, or any portion thereof, containing a defect listed in Section 94006 of Title 17 of the California Code of Regulations until the defect has been repaired, replaced, or adjusted as necessary to correct the defect, and the District has reinspected the system or has authorized its use pending reinspection. All such defects shall be tagged "out-of-service" upon detection and authorization to reuse equipment shall not include permission to operate prior to correction of defective components.
- C. All CARB-Certified Phase II Vapor Recovery Systems shall be maintained and operated to be leak-free.
- D. No person shall tamper with, or permit tampering with a CARB-Certified Phase II Vapor Recovery system in any way which could impair collection and/or disposal of gasoline vapors.
- E. Gasoline storage and dispensing equipment used to comply with provisions of this Rule shall comply with all applicable codes and regulations, including safety, fire, weights and measures, etc..
- F. An owner or operator of a retail service station subject to this Rule shall conspicuously post operating instructions for the system in the gasoline dispensing area. These instructions shall: 1) clearly describe how to correctly fuel vehicles using Phase II dispensing nozzles, 2) include a warning that topping off may result in spillage or recirculation of gasoline and is prohibited, and 3) prominently display the District's or CARB's toll-free telephone numbers, or both, and the information that such numbers can be used to register complaints regarding the operation of the vapor recovery system.
- G. No person shall top off a motor vehicle fuel tank.

H. All retail service stations shall utilize hold-open latches on all gasoline dispensing nozzles. All hold-open latches shall be installed on the gasoline dispensing nozzle by the original manufacturer of the nozzle, or if retrofitted, shall be installed using components and procedures approved by the nozzle manufacturer.

Requirements of this Subsection shall not apply to facilities if use of hold-open latches is prohibited by law or a fire control authority.

**V. Administrative Requirements**

**A. Recordkeeping and Reporting**

1. Each gasoline dispensing facility exempt pursuant to Section III shall maintain gasoline throughput records allowing gasoline throughput for any 30-day period to be continuously determined. These records shall be available upon request to the APCO and maintained on the premises for 2 years.
2. Verification that each CARB-Certified Phase II Vapor Recovery System meets or exceeds the requirements of tests specified in Subsection V.C. shall be maintained. These test results shall be dated and shall contain the names, addresses, and telephone numbers of person(s) responsible for system installation and testing.

**B. Testing**

Each facility subject to Subsection IV.A. shall be pressure tested to determine proper installation and function before startup, and thereafter as directed by the Control Officer if not consistently operated leak-free or a major modification is implemented.

**C. Test Methods**

Tests shall be conducted in accordance with test procedures found in CARB's "Test Procedures for Determination of the Efficiency of Gasoline Vapor Recovery Systems at Service Stations".

**VI. Compliance Schedule**

- A. Any new gasoline dispensing system subject to this Rule shall comply with the provisions of this Rule at the time of installation.
- B. Stationary storage containers greater than 2000 gallons capacity installed prior to July 1, 1975 and subject to Section IV, shall comply with the provisions of this Rule in accordance with the schedule of increments contained in Subsection VI.B. of Rule 412, unless subject to Subsection C, below.
- C. Any person becoming subject to the requirements of this Rule through loss of exemption shall comply with the following increments of progress:

1. Within thirty (30) days from November 9, 1992 or 30 days from the date of loss of exemption from this Rule, submit an application for Authority to Construct necessary vapor control equipment.
2. For gasoline dispensing facilities having commenced construction on or before November 15, 1990, construction for compliance with this Rule shall begin no later than May 15, 1993, or within one hundred eighty (180) days after the date of loss of exemption from this Rule.
3. Full compliance shall be demonstrated:
  - a. by November 15, 1994, or within two years after the date of the loss of exemption for facilities having commenced construction on or before November 15, 1990, and
  - b. by May 15, 1993, for gasoline dispensing facilities having commenced construction after November 15, 1990.