

Proposed Amended Rule 461.1: Gasoline Transfer and Dispensing for Mobile Fueling Operations

Public Workshop
November 29, 2023

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Agenda

Overview

Rule Language Overview and Updates

California Environmental Quality Act
(CEQA)

Socioeconomic Impact Assessment

Next Steps



Overview



Overview

- Rule 461 – Gasoline Transfer and Dispensing was adopted in January 1976
 - Regulates stationary and mobile gasoline dispensing operations
- Rule 461.1 – Gasoline Transfer and Dispensing for mobile fueling operations adopted January 7, 2022
 - Maintained and established new requirements specifically for mobile fuel dispensing operations
 - Addressed unregulated retail mobile fuelers dispensing gasoline into motor vehicles, containers, and equipment





Need for Rule Amendment



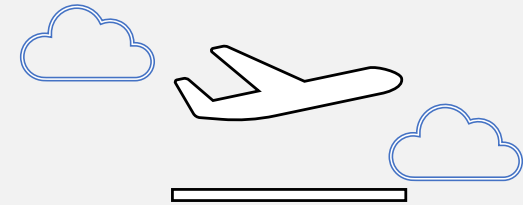
Clarification

Original intent of Rule 461 did not apply to mobile fuelers dispensing aviation gasoline



Definitions

Broad gasoline definition brought aviation gasoline into applicability



Clear and Consistent Applicability

Amending Rule 461.1 to be consistent with the original intent and applicability of rule



Rule Applicability and Aviation Gasoline



Rule 461

- Prior to 2022 amendment, applied to stationary and mobile gasoline dispensing operations
- Applicable to on-road mobile source fueling
 - Mobile fueler defined as any tank truck or trailer that is used to transport and dispense gasoline from an onboard storage tank in any **motor vehicle** fuel tank
 - Excluded fuel dispensed into small aircraft, e.g., aviation gasoline

Rule 461.1

- Applies to retail and non-retail mobile fueling operations
- Maintained and established new requirements for mobile fueling operations
- Expanded applicability to include gasoline being dispensed into equipment or containers
 - Applicability not limited to motor vehicles
 - Broad definition of gasoline inadvertently applies to aviation gasoline
- Amending rule to exempt aviation gasoline from mobile fueling requirements

Note: Aviation gas fuelers are evaluated for compliance with new source review rules for criteria and toxic air contaminants and other applicable rules and regulations when applying for a South Coast AQMD permit



Rule Language Overview & Updates



PAR 461.1 Structure

SUBDIVISIONS

- a) Purpose
 - b) Applicability**
 - c) Definitions
 - d) Vapor Recovery Requirements for Mobile Fuelers
 - e) Mobile Fueling Cargo Tank Requirements
 - f) Operational Requirements
 - g) Mobile Fueling Location Requirements
 - h) Labeling Requirements for Mobile Fuelers
 - i) Installation, Maintenance, and Repair Requirements
 - j) Self-Compliance Program Requirements
 - k) Recordkeeping
 - l) Testing
 - m) Reporting
 - n) Exemptions**
- Attachments



Applicability (b)

- Staff is proposing to provide clarity regarding applicability
- Originally, Rule 461.1 was not intended to apply to aviation gasoline used in aircrafts

Rule Language Update, Subdivision (b)

(b) Applicability

This rule applies to an owner or operator of a Mobile Fueler that conducts retail or non-retail operations [Dispensing Gasoline](#). This rule also applies to any person that:

- (1) Conducts any test for a Mobile Fueler;
- (2) Installs, repairs, maintains, supplies, sells, or offers for sale components of a Mobile Fueler; or
- (3) Manufactures CARB Certified Control Equipment or the associated components thereof.



Exemptions (n)

- Staff is proposing to add an exemption for mobile fuelers that transfer and dispense aviation gasoline into an aircraft
- Aligns the applicability of Rule 461.1 with the original intent of Rule 461 which does not include aviation gasoline

New Rule Language, Paragraph (n)(3)

(3) The provisions of this rule shall not apply to the Transfer and Dispensing of aviation gasoline, which is intended for fueling smaller aircraft powered by reciprocating spark ignition engines.



Exemptions (n)

- Staff is proposing to remove outdated provisions
- Requirement dates have passed and are no longer applicable

- ~~(3) Until July 1, 2022, the CARB Certified Phase I Vapor Recovery System requirements of paragraph (d)(1), subdivision (j), subdivision (k), and subdivision (m) shall not apply to the following Mobile Fuelers provided the Mobile Fueler is not equipped with a CARB Certified Phase I Vapor Recovery System:~~
- ~~(A) Retail Mobile Fueler with a Cumulative Capacity greater than 10 gallons and less than 251 gallons and no individual Cargo Tank is greater than 120 gallons that Dispenses into Motor Vehicles;~~
 - ~~(B) Non-Retail Mobile Fueler with a Cumulative Capacity greater than 120 gallons and less than 251 gallons and no individual Cargo Tank is greater than 120 gallons that Dispenses into Motor Vehicles; or~~
 - ~~(C) Non-Retail Mobile Fueler or a Retail Mobile Fueler that does not Dispense into Motor Vehicles.~~
- ~~(4) Until July 1, 2022, the CARB Certified Phase II Vapor Recovery System requirements of paragraph (d)(2), subdivision (j), subdivision (k), and subdivision (m) shall not apply to the following Mobile Fuelers provided the Mobile Fueler is not equipped with a CARB Certified Phase II Vapor Recovery System:~~
- ~~(A) Retail Mobile Fueler with a Cumulative Capacity greater than 10 gallons and less than 251 gallons and no individual Cargo Tank is greater than 120 gallons that Dispenses into Motor Vehicles; or~~
 - ~~(B) Non-Retail Mobile Fueler with a Cumulative Capacity greater than 120 gallons and less than 251 gallons and no individual Cargo Tank is greater than 120 gallons that Dispenses into Motor Vehicles.~~
- ~~(5) Until July 1, 2022, subdivision (g) shall not apply to a Retail Mobile Fueler or Non-Retail Mobile Fueler operating at a Dispensing Location.~~



CEQA

California Environmental Quality Act



California Environmental Quality ACT (CEQA)

- PAR 461.1 makes administrative clarifications which will not require physical modifications
- No significant adverse effects on the environment are expected
- Proposed project qualifies for an exemption from CEQA pursuant to CEQA Guidelines Section 15061 (b)(3) – Common Sense Exemption
- A Notice of Exemption (NOE) will be prepared

A pair of brass scales of justice is shown against a light blue background. The scales are slightly tilted, with the right pan being lower than the left. Both pans contain stacks of coins. The right pan has a much taller stack of coins than the left pan. The central pillar of the scales is visible, and the base is a square brass block. The text "Socioeconomic Impact Assessment" is overlaid in white, bold, sans-serif font across the middle of the image.

Socioeconomic Impact Assessment

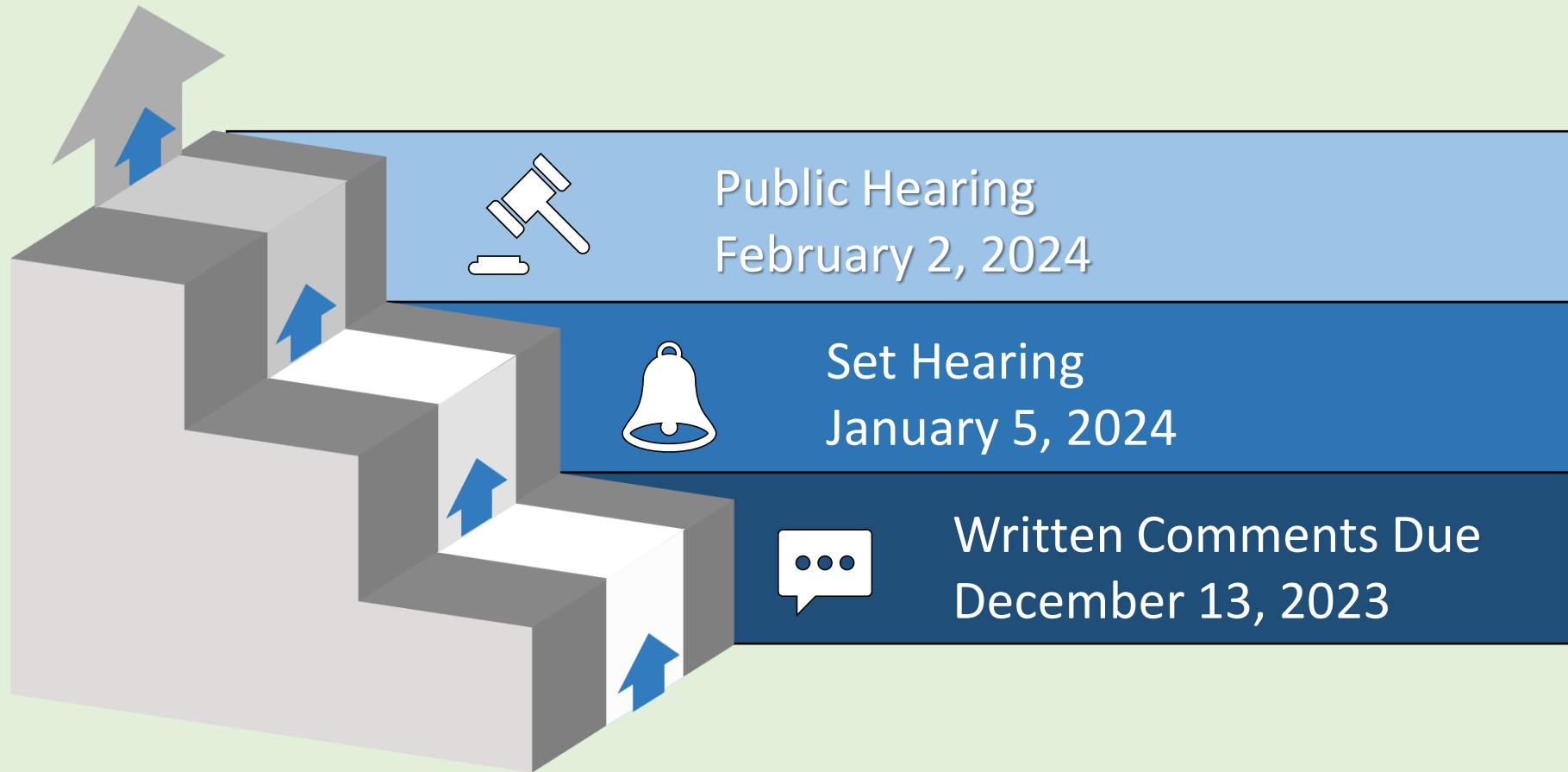


Socioeconomic Impact Assessment

- Health and Safety Code Section 40440.8 requires the preparation of a socioeconomic impact assessment for a proposed rule or rule amendment which “will significantly affect air quality or emissions limitations”
- PAR 461.1 makes administrative clarifications that are not expected to significantly affect air quality or emission limitations
- No socioeconomic impact assessment is required



Next Steps



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