



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (October 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 07, 2020
TIME: 8:19 AM

WSR 20-03-031

Agency: Southwest Clean Air Agency

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose:

SWCAA 491-020 Definitions. The proposed rule changes add definitions for enhanced conventional (ECO) nozzles, low permeation hoses, and onboard refueling vapor recovery.

SWCAA 491-030 Registration. The proposed rule changes correct rule references that will no longer be valid as a result of proposed changes to SWCAA 491-040.

SWCAA 491-040 Gasoline Vapor Control Requirements. The proposed rule changes:

- Correct an incorrect emission standard applicable to vapor control systems at gasoline loading terminals;
- Remove a requirement that two-point Stage I fittings be used with vacuum assist type Stage II systems;
- Add pressure and leak rate standards for pressure/vacuum valves;
- Add a requirement to install Enhanced Conventional Nozzles by January 1, 2023;
- Add a requirement that low permeation hoses be installed at higher volume gasoline dispensing facilities, without balance type Stage II vapor recovery equipment, by no later than January 1, 2023;
- Require annual testing of Stage I vapor recovery systems;
- Allow the use of an approved continuous pressure monitoring system in lieu of annual Stage I vapor recovery system testing;
- Add a requirement that spill containers be maintained free of liquid and solid materials;
- Add a requirement that all gasoline dispenser hoses be equipped with emergency breakaway devices;
- Add a requirement that new or upgraded gasoline storage tanks be equipped with Stage I Enhanced Vapor Recovery equipment;
- Remove a requirement that gasoline dispensing facilities install Stage II vapor recovery equipment;
- Allow removal from service of Stage II vapor recovery equipment compatible with ORVR on or after January 1, 2023;
- Allow removal from service of Stage II vapor recovery equipment incompatible with ORVR on or after January 3, 2020;
- Require removal from service of Stage II vapor recovery equipment incompatible with ORVR no later than January 1, 2023;
- Clarify construction approval and permitting requirements;
- Correct an outdated fee reference;
- Remove the applicability threshold for low flow nozzles to align the SWCAA rules with federal rules; and
- Correct rule references that will no longer be valid as a result of proposed changes to SWCAA 491-040

SWCAA 491-050 Failures, Certification, Testing and Recordkeeping. The proposed rule changes correct rule references that will no longer be valid as a result of proposed changes to SWCAA 491-040.

Citation of rules affected by this order:

New: None
Repealed: None
Amended: SWCAA 491-020, SWCAA 491-030, SWCAA 491-040, SWCAA 491-050
Suspended: None

Statutory authority for adoption: RCW 70.94.141

Other authority: N/A

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 19-21-005 on October 3, 2019 (date).
Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Web site:
Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	<u>4</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>4</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

Date Adopted: January 2, 2019

Name: Uri Papish

Title: Executive Director

Signature:

