



CONTINUATION OF PUBLIC HEARING REQUEST FOR COMMENTS

February 9, 2009

TO: INTERESTED PARTIES
FROM: EXECUTIVE OFFICER / APCO
SUBJECT: **CONTINUATION OF PUBLIC HEARING: PROPOSED AMENDMENTS TO REGULATION 8, RULE 33: GASOLINE BULK TERMINALS AND GASOLINE DELIVERY VEHICLES; and REGULATION 8, RULE 39: GASOLINE BULK PLANTS AND GASOLINE DELIVERY VEHICLES**

On **Wednesday, March 4, 2009**, the Board of Directors of the Bay Area Air Quality Management District will continue a public hearing to consider proposed amendments to **Regulation 8, Rule 33: Gasoline Bulk Terminals and Gasoline Delivery Vehicles; and Regulation 8, Rule 39: Gasoline Bulk Plants and Gasoline Delivery Vehicles**; and to consider the adoption of a Negative Declaration pursuant to the California Environmental Quality Act (CEQA). This hearing was initiated on February 4, 2009. The hearing will be held in the 7th floor Board Room of the District Office, 939 Ellis Street, San Francisco. **District Board meetings commence at 9:45 a.m.**

Subsequent to the December 29, 2008 notice preceding this Public Hearing, at the request of District staff, California Air Resources Board staff clarified District authority to establish more restrictive vapor leak limits on gasoline terminal and bulk plant facilities pursuant to Article 5, § 39659 and 41954 of the California Health and Safety Code.

The purpose of this notice is to notify interested parties of the continuation of the public hearing, and to solicit comments on a lower vapor leak standard to become effective on July 1, 2009. Staff proposes a vapor leak limit of 3,000 ppm or 6% of the Lower Explosive Limit (LEL). The current standard is 100% of LEL. This standard would affect loading arm and vapor recovery hose connectors, and pressure/vacuum valves in gasoline bulk terminals and bulk plants.

In addition, staff proposes a variety of minor, non-substantial changes in the rules to add consistency and clarity. These changes and lower vapor standards are shown in the February 5, 2009 draft of the rules in double underlines and double strikethroughs. Staff has also proposed revisions to the staff report, and Socio-Economic analysis. These are also shown in double underlines and double strikethroughs. These revised documents are available on the District's web site at http://www.baaqmd.gov/pln/ruledev/regulatory_public_hearings.htm.

Pursuant to the California Environmental Quality Act (Public Resources Code § 21000 et seq.), an initial study for the proposed amendments has been conducted, concluding that the proposed amendments would not have significant adverse environmental impacts. The District intends to adopt a negative declaration for the amendments pursuant to Public Resources Code section 21080(c) and CEQA Guidelines section 15070 et seq. The comment period on the negative declaration began on December 30, 2008 and ended at 5:00 pm on January 21, 2009. While clarifications on the proposed amendments have been made to the CEQA document, there have been no substantial revisions to the analysis of the environmental impacts of the project since public notice that would warrant re-noticing the analysis and proposed negative declaration.

Questions or comments related to the proposed amendments or staff report should be addressed to Guy Gimlen, Senior Air Quality Engineer, Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109, or call 415-749-4734. Comments also can be sent by fax to (415) 749-4741 or by e-mail to ggimlen@baaqmd.gov. Comments on the proposed amendments will be received until 5:00 p.m. on Friday, February 20, 2009.