

RULE 1177 GASOLINE DISPENSING FACILITY TESTER CERTIFICATION (Adopted June 21, 2007)

1.0 Purpose

The purpose of this rule is to specify the requirements for persons electing to obtain certification as a Gasoline Dispensing Facility (GDF) Tester. The GDF Tester Certification Program has been established to provide GDF operators with a qualified pool of testers to properly conduct the gasoline vapor recovery performance tests required by District rules and/or Air Resources Board (ARB) executive orders.

2.0 Applicability

The requirements of this rule apply to any person who has obtained, or is applying to obtain, certification as a GDF Tester in order to conduct gasoline vapor recovery performance testing at facilities located within the District.

3.0 Definitions

3.1 Air Pollution Control Officer (APCO): the Air Pollution Control Officer of the San Joaquin Valley Unified Air Pollution Control District or the designee thereof.

3.2 ARB: the state Air Resources Board as established by Health and Safety Code section 39510, or any person authorized to act on its behalf.

3.3 International Code Council (ICC): nonprofit organization that administers certification programs for numerous professional disciplines.

3.4 Significant errors: errors in conducting vapor recovery performance testing including the failure to utilize proper testing equipment, the failure to utilize properly calibrated testing equipment, or the failure to conduct the testing procedures in accordance with the applicable ARB test methods, or their equivalents as approved by the ARB and the APCO.

3.4 Start-up: the commencement of operation following the installation of a new GDF or a modification of an existing GDF.

4.0 Interim Certification Process

Persons applying to become an Interim Certified GDF Tester shall:

4.1 Submit a complete application demonstrating compliance with the Qualifications for Candidacy specified in Section 6.1 of this rule,

4.2 Pay a training and certification fee as required by Section 3.0 of Rule 3147 (*Fees for Certification of Gasoline Dispensing Facility Testers*), and

4.3 Comply with the Requirements for Interim Certification in Section 7.0 of this rule.

## 5.0 Certification Process

Persons applying to become a Certified GDF Tester shall:

5.1 Submit a complete application demonstrating compliance with the Qualifications for Candidacy specified in Section 6.0 of this rule,

5.2 Pay a training and certification fee as required by Section 3.0 of Rule 3147, and

5.3 Comply with the Requirements for Certification in Section 8.0 of this rule.

## 6.0 Qualifications for Candidacy

To become candidates for certification, applicants must:

6.1 Have at least six months of experience in performing and/or assisting in performing vapor recovery performance testing, and

6.2 Be certified by the ICC for Vapor Recovery System Testing and Repair once the ICC releases its certification exam.

## 7.0 Requirements for Interim Certification

7.1 In order to obtain interim certification as a GDF Tester, candidates meeting the requirements of Section 6.1 of this rule shall complete a mandatory orientation course that covers the gasoline vapor recovery performance tests required by District rules and/or ARB executive orders, District policies and procedures, and proper documentation of test results.

7.2 On or after the date that the ICC certification exam for Vapor Recovery System Testing and Repair is first available, the District will no longer allow persons to obtain interim certification as a GDF Tester.

## 8.0 Requirements for Certification

8.1 In order to obtain certification as a GDF Tester, candidates who do not possess an Interim Certification in accordance with Section 7.0 of this rule and who meet the requirements of Section 6.1 and 6.2 of this rule shall complete a

mandatory orientation course that covers the gasoline vapor recovery performance tests required by District rules and/or ARB executive orders, District policies and procedures, and proper documentation of test results.

- 8.2 In order to obtain certification as a GDF Tester, candidates who possess an Interim Certification in accordance with Section 7.0 of this rule shall be certified by the ICC for Vapor Recovery System Testing and Repair within 180 calendar days of the date the respective ICC certification exam is first available and shall submit documentation of said certification to the District.

## 9.0 Post-Certification Requirements

An Interim Certified or Certified GDF Tester shall comply with all of the following requirements:

- 9.1 Notify the District of gasoline vapor recovery performance testing in accordance with the timeframes established by Rule 4621 (*Gasoline Transfer into Stationary Storage Containers, Delivery Vessels, and Bulk Plants*) and Rule 4622 (*Gasoline Transfer into Motor Vehicle Fuel Tanks*). The notification shall be provided in accordance with methods prescribed by the District. Notwithstanding the requirements of Rule 4621 and 4622, the APCO may waive or modify the gasoline vapor recovery performance testing notification requirements on a case-by-case basis.
- 9.2 Gasoline vapor recovery performance testing shall be conducted in accordance with the latest version of the applicable ARB test methods, or their equivalents as approved by the ARB and the APCO.
- 9.3 Except as specified in Section 9.4 of this rule, gasoline vapor recovery performance testing shall be conducted and completed between the hours of 7:30 a.m. and 5:30 p.m. Monday through Friday. Notwithstanding, the APCO may approve testing during additional hours or on a weekend day (Saturday or Sunday) on a case-by-case basis provided that the Interim Certified or Certified GDF Tester demonstrates to the satisfaction of the District that conducting the gasoline vapor recovery performance testing during the aforementioned hours would result in an undue hardship to the GDF operator.
- 9.4 Start-up gasoline vapor recovery performance testing shall be conducted and completed between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday. Notwithstanding, the APCO may approve testing during additional hours or on a weekend day (Saturday or Sunday) on a case-by-case basis provided that the Interim Certified or Certified GDF Tester demonstrates to the satisfaction of the District that conducting the start-up gasoline vapor recovery

performance testing during the aforementioned hours would result in an undue hardship to the GDF operator.

- 9.5 An Interim Certified or Certified GDF Tester shall be on-site at the facility no later than 30 minutes after the scheduled testing time. Should the Interim Certified or Certified GDF Tester need to postpone and/or reschedule the scheduled testing time, the District must be contacted prior to the scheduled testing time to receive authorization. Failure to be on-site within 30 minutes of the scheduled testing time may result in cancellation of the vapor recovery performance testing.
- 9.6 An Interim Certified or Certified GDF Tester shall maintain a copy of the most recent calibration data for any and all testing equipment required to be periodically calibrated in accordance with the appropriate ARB test methods, or their equivalents as approved by the ARB and the APCO. Failure to maintain a copy of the calibration data on-site during the vapor recovery performance testing may result in cancellation of the testing.
- 9.7 An Interim Certified or Certified GDF Tester shall be certified by the vapor recovery equipment and/or monitoring equipment manufacturer to perform repairs, adjustments, or testing on the subject equipment or vapor recovery systems if such certification is required by the ARB executive order(s) certifying the equipment. Failure to maintain a copy of the certification(s) on-site during the vapor recovery performance testing may result in cancellation of the testing.
- 9.8 Notify the District of the pass/fail status of all gasoline vapor recovery performance tests within 24 hours after each test is conducted. The notification shall be provided in accordance with methods prescribed by the District.
- 9.9 The failure to meet any of the requirements of Section 9.0 of this rule shall constitute a violation of this rule.

#### 10.0 Gasoline Vapor Recovery Performance Test Reports

An Interim Certified or Certified GDF Tester shall document the results of gasoline vapor recovery performance testing as follows:

- 10.1 Results shall be typewritten on District forms or on other forms provided that said forms are approved by the District pursuant to Section 11.0 of this rule.
- 10.2 Should gasoline vapor recovery performance test results not contain all of the information required on a District form or should the test results contain errors, the District shall notify the Interim Certified or Certified GDF Tester in writing as to the deficiencies or errors contained within the test results. The Interim

Certified or Certified GDF Tester shall then submit a revised copy of the test results to the District and GDF operator within 15 calendar days of the date on the notice. If the revised results are not submitted within 15 calendar days of the date on the notice, the results may be rejected.

10.3 Should the gasoline vapor recovery performance test results demonstrate that an Interim Certified or Certified GDF Tester made significant errors in conducting ARB test methods, or their equivalents as approved by the ARB and the APCO, the results may be rejected.

10.4 Failure to meet the requirements of Section 10.2 of this rule shall constitute a violation of this rule.

#### 11.0 Approval of Gasoline Vapor Recovery Performance Testing Forms

11.1 Any forms that are to be submitted to the District to document the results of gasoline vapor recovery performance testing must first be approved by the District.

11.2 Within 15 calendar days of District receipt of a gasoline vapor recovery performance testing form submitted for the purpose of District approval, the District shall either:

11.2.1 Provide an letter approving the subject form for the purpose of documenting the results of gasoline vapor recovery performance testing, or

11.2.2 Provide a letter outlining the specific deficiencies in the subject form.

11.3 Any modification to a previously approved form, other than minor modifications to formatting or updates to company contact information, must first be approved by the District.

#### 12.0 Renewal of Certification

12.1 Certification shall be valid for a period of two years from the date of issuance unless the holder of the certificate is disqualified pursuant to Section 14.0 of this rule.

12.2 Certification may be renewed by complying with the following requirements:

12.2.1 Completing supplemental orientation courses as required by the District, and

12.2.2 Payment of the biennial renewal fee as required by Section 4.0 of Rule 3147.

12.3 Failure to comply with Section 12.2.1 or 12.2.2 of this rule may result in suspension of certification.

### 13.0 Expiration of Interim Certification

Any Interim Certification granted pursuant to Section 7.0 of this rule shall expire 180 calendar days after the date that the ICC certification exam for Vapor Recovery System Testing and Repair is first available.

### 14.0 Disqualification

14.1 If at any time a Certified GDF Tester's ICC certification for Vapor Recovery System Testing and Repair is revoked, the APCO may disqualify the Certified GDF Tester provided that notice and an opportunity for an office conference was afforded pursuant to Section 15.0 of this rule.

14.2 A person disqualified pursuant to Section 14.1 of this rule may be reinstated if subsequent to the disqualification they comply with the requirements of Section 5.0 of this rule.

14.3 The APCO may, pursuant to this section, disqualify an Interim Certified or Certified GDF Tester if the APCO determines that each of the following has occurred:

14.3.1 The Interim Certified or Certified GDF Tester has made significant errors in conducting ARB test methods, or their equivalents as approved by the ARB and the APCO, and/or the Interim Certified or Certified GDF Tester has failed to comply with the requirements prescribed by Sections 9.0 and 10.0 of this rule.

14.3.2 A notice of violation was issued for those violations.

14.3.3 The violations pose a recurring pattern of noncompliance.

14.3.4 Notice and an opportunity for an office conference were afforded pursuant to Section 15.0 of this rule.

14.4 A person disqualified pursuant to Section 14.3 of this rule may be reinstated if subsequent to the disqualification they repeat the orientation course specified in Section 7.0 or 8.0 of this rule, respectively.

14.5 Notwithstanding the provisions of Sections 14.3 and 14.4 of this rule, the APCO may, pursuant to this section, disqualify an Interim Certified or Certified GDF Tester for a period of 60 calendar months if the APCO determines that either of the following has occurred and provided that notice and an opportunity for an office conference was afforded pursuant to Section 15.0 of this rule:

14.5.1 An Interim Certified or Certified GDF Tester knowingly or negligently submits false information in connection with a gasoline vapor recovery performance test.

14.5.2 An Interim Certified or Certified GDF Tester was previously disqualified pursuant to Section 14.3 of this rule and cause exists pursuant to said section to disqualify the Interim Certified or Certified GDF Tester for a second time.

14.6 A person disqualified pursuant to Section 14.5 of this rule may be reinstated if subsequent to 60 calendar months they comply with the requirements of Section 4.0 or 5.0 of this rule, respectively.

14.7 Persons disqualified pursuant to Section 14.1, 14.3 or 14.5 of this rule, respectively, may appeal the determination by petitioning for a hearing before the regional District Board of Appeals pursuant to Section 17.0 of this rule.

#### 15.0 Notice of Preliminary Disqualification Determination

If the APCO makes a preliminary determination that an Interim Certified or Certified GDF Tester has met the criteria prescribed in Section 14.1, 14.3 or 14.5 of this rule, respectively, the APCO shall take all of the following actions:

15.1 Notify the Interim Certified or Certified GDF Tester, in writing, that the District has made a preliminary disqualification determination and the District may take action pursuant to Section 14.0 of this rule 30 calendar days after the date on the notice. The notice shall include all of the relevant facts relating to the preliminary determination that are known to the APCO at the time of the notice.

15.2 Request, as part of the notification required by Section 15.1 of this rule, that the Interim Certified or Certified GDF Tester confer with the APCO, or the designee thereof, in an office conference within 30 calendar days of the date on the notice to discuss the facts relating to the preliminary disqualification determination.

15.3 Conduct the office conference required by Section 15.2 of this rule provided that the Interim Certified or Certified GDF Tester accepts the request for the office conference.

#### 16.0 Setting Aside a Disqualification

A disqualification determination pursuant to Section 14.0 of this rule shall be set aside by the regional District Board of Appeals under either of the following conditions:

16.1 The petitioner demonstrates to the satisfaction of the regional District Board of Appeals that the violations forming the basis for the disqualification were the result of circumstances beyond the reasonable control of the petitioner and could not have been prevented by the exercise of reasonable care.

16.2 The disqualification is, in the opinion of the regional District Board of Appeals, not an appropriate action given the petitioner's overall compliance history.

#### 17.0 Board of Appeals

The regional District Hearing Boards established pursuant to Regulation V are hereby designated as the Boards of Appeals in matters brought before them pursuant to Section 14.7 of this rule and are granted the authority to hear all appeals under this rule. The Boards of Appeals are subject to the same rules and regulations that govern the District Hearing Boards.

#### 18.0 Public Notice of Certification

18.1 The District shall maintain a list of the names and affiliations of Interim Certified or Certified GDF Testers and make the list available to interested parties upon request.

18.2 The District may publish the list of the names and affiliations of Interim Certified or Certified GDF Testers.