



Air Resources Board



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Secretary for
Environmental Protection

Mary D. Nichols, Chairman
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Arnold Schwarzenegger
Governor

January 21, 2009

EXECUTIVE ORDER G-70-213: EXTENSION OF EFFECTIVE AND OPERATIVE DATES RELATING TO THE FINDING THAT ENHANCED VAPOR RECOVERY (EVR) STANDING LOSS CONTROL, PHASE I, PHASE II VAPOR RECOVERY, AND IN-STATION DIAGNOSTICS (ISD) SYSTEMS FOR GASOLINE DISPENSING FACILITIES (GDF) USING ABOVEGROUND STORAGE TANKS (AST) ARE NOT COMMERCIALY AVAILABLE

Dear Sir or Madam:

The enclosed Executive Order G-70-213 provides extensions of deadlines for Standing Loss Control, Phase I, Phase II Vapor Recovery, and ISD systems for GDFs using ASTs. The extensions are based on the Air Resources Board (ARB) Executive Officer's finding that equipment meeting the additional EVR standards and specifications for Standing Loss Control, Phase I, Phase II Vapor Recovery, and ISD systems will not be certified by January 1, 2009, the effective and operative date for the performance standards and specifications, and thus will not be commercially available. Accordingly, the enclosed Executive Order G-70-213 extends the effective and operative deadlines to April 1, 2009, for Standing Loss Control, to January 1, 2010, for Phase I, and to January 1, 2011, for Phase II and ISD. The Executive Order G-70-213 also permits the continued installation of systems before those dates as specified in the Executive Order.

Background

The regulations establishing the EVR program for GDFs using ASTs became effective on July 12, 2008. The Certification Procedure CP-206 was adopted with California Code of Regulations, title 17, section 94016 pursuant to section 41954 of the California Health and Safety Code. The EVR program for ASTs is designed to reduce vapor emissions during diurnal venting (Standing Loss Control), the refueling of ASTs (Phase I), and the refueling of vehicle fuel tanks (Phase II and ISD) at GDFs.

The certification of vapor recovery systems typically takes 9 to 12 months, which includes a minimum 6-month operational test. Certification process for Standing Loss Control will be completed by April 1, 2009. Certification testing for EVR Phase I systems is expected to begin soon, but will not be complete by the current effective date on January 1, 2009. Therefore, ARB is extending the effective and operative date for an EVR Phase I to

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

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January 1, 2010. It is also expected that an EVR Phase II and ISD system will undergo certification testing after a Phase I system is certified, and will be available by the extended deadline, January 1, 2011.

Extension of Effective and Operative Dates and Commercial Availability

Section 2.4.4 of CP-206, Certification Procedure for Vapor Recovery Systems at GDFs Using ASTs (adopted May 2, 2008), allows extension of effective and operative dates of performance standards and specifications when systems meeting the standards and specifications have not been certified, or are not commercially available. Section 2.4.4 reads as follows:

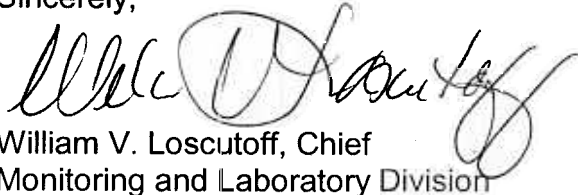
2.4 Additional or Amended performance Standards or Performance Specifications

2.4.4 When the Executive Officer determines that no Standing Loss Control, Phase I, or Phase II system has been certified or will not be commercially available by the operative dates specified in Table 2-1 of CP-206, the Executive Officer shall extend the operative date and may extend the effective date of amended or additional performance standards or specifications.

I encourage you to visit our webpage at <http://www.arb.ca.gov/vapor/vapor.htm> for additional information on the vapor recovery program. At this site you have the opportunity to join the vapor recovery list-serve to receive email when new vapor recovery items are posted.

If you have questions or need more information on the EVR regulations, please contact Cindy Castronovo at (916) 322-8957 or ccastron@arb.ca.gov.

Sincerely,



William V. Loscutoff, Chief
Monitoring and Laboratory Division

Enclosure