

State of California
AIR RESOURCES BOARD

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 Commercially Available**

WHEREAS, the Air Resources Board (ARB) has adopted Enhanced Vapor Recovery (EVR) regulations for the certification and testing of Vapor Recovery Systems installed at Gasoline Dispensing Facilities (GDF) using Aboveground Storage Tanks (AST) as set forth in the California Code of Regulations, title 17, section 94016, and the documents incorporated by reference therein;

WHEREAS, Certification Procedure CP-206, Certification Procedure of Vapor Recovery Systems for Gasoline Dispensing Facilities using Aboveground Storage Tanks (CP-206), is among the documents incorporated by reference into California Code of Regulations, title 17, section 94016;

WHEREAS, section 2 of CP-206 provides effective and operative dates for Standing Loss Control, Phase I, Phase II, and In-station Diagnostic (ISD) systems as specified in Table 2-1 of CP-206;

WHEREAS, ARB has determined that EVR Vapor Recovery Systems that meet the Standing Loss Control, Phase I, Phase II, and ISD performance standards and specifications will not be certified by the current effective and operative dates of January 1, 2009, specified in Table 2-1 of CP-206 and thus will not be commercially available;

WHEREAS, section 2.4 of CP-206 allows systems installed before the operative date of additional or amended performance standards and specifications to remain in use for the remainder of their useful life or up to four years after the effective date of the new standard, whichever is shorter;

WHEREAS, section 2.4.4 allows the Executive Officer to extend the operative and effective dates for certification and installation of systems that meet additional or amended performance standards and specifications when systems meeting the additional or amended performance standards and specifications are not commercially available;

WHEREAS, a vapor recovery system meeting EVR performance standards and specifications for Standing Loss Control at GDFs using ASTs is anticipated to be certified by April 1, 2009;

WHEREAS, a vapor recovery system meeting EVR performance standards and specifications for Phase I at GDFs using ASTs is anticipated to be certified by January 1, 2010; and

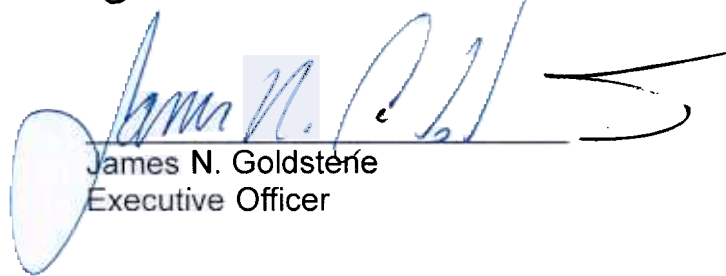
WHEREAS, a vapor recovery system meeting EVR performance standards and specifications for Phase II at GDFs using ASTs with or without ISD is anticipated to be certified by January 1, 2011;

NOW, THEREFORE, IT IS HEREBY ORDERED that Standing Loss Control performance standards and specifications for GDFs using ASTs required by section 3 of CP-206 will become effective and operative on April 1, 2009 and that GDFs with ASTs may continue to be installed without Standing Loss Control until March 31, 2009.

IT IS FURTHER ORDERED that EVR Phase I performance standards and specifications for GDFs using ASTs required by section 4 of CP-206 will become effective and operative on January 1, 2010 and that pre-EVR Phase I vapor recovery systems for ASTs may continue to be installed until December 31, 2009.

IT IS FURTHER ORDERED that EVR Phase II and ISD performance standards and specifications for GDFs using ASTs required by sections 5, 6, 7, 8, 9, and 10 of CP-206 will become effective and operative on January 1, 2011 and that pre-EVR Phase II vapor recovery systems for ASTs may continue to be installed until December 31, 2010.

Executed at Sacramento, California this 31st day of December, 2008


James N. Goldstene
Executive Officer