

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-02-064

Relating to Public Hearing to Consider Amendments to Vapor Recovery
Equipment Defects List

WHEREAS, on November 15, 2001, the Air Resources Board (the Board or ARB) conducted a public hearing in response to Health and Safety Code section 41960.2(c) to consider amendments to title 17 of the California Code Regulations, section 94006, pertaining to defects substantially Impairing the Effectiveness of Vapor Recovery Systems used in motor fueling operations ;

WHEREAS, following the public hearing on November 15, 2001, the Board adopted Resolution 01-52, in which the Board approved the amendments to title 17, California Code of Regulations, section 94006, Defects Substantially Impairing the Effectiveness of Vapor Recovery Systems Used in Motor Fueling Operations, by eliminating the current defects list (sections 94006 (a) through (j)), and incorporating the document "Vapor Recovery Equipment Defects List, Title 17 Update Modified August 21, 2001" into the regulation, as set forth in Attachment A thereto;

WHEREAS, in Resolution 01-52, the Board directed the Executive Officer to incorporate into the regulation the modifications described above, with such other conforming modifications as may be appropriate, and then to adopt the modified amendments, after making the modified regulatory language available for public comment for a period of 15 days; provided that the Executive Officer was to consider such written comments regarding the modified text as were submitted during this period, make modifications as may be appropriate in light of the comments received, and to present the regulations to the Board for further consideration if he determines that this was warranted;

WHEREAS, on April 15, 2002, the modified regulations, reflecting the amendments approved by the Board and other changes made to best reflect the intent of the Board at the hearing, were made available for public comment for a period of 15 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44;

WHEREAS, a number of written comments were received during the 15-day comment period and those comments have been considered by the Executive Officer;

WHEREAS, the Executive Officer finds that the regulation as amended sets forth criteria and a defects lists in accordance with Board direction and the requirements of Health and Safety Code section 41960.2(c).

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 01-52 are incorporated by reference herein.

IT IS FURTHER ORDERED, in accordance with Resolution 01-52, that the amendments to title 17, California Code of Regulations, sections 94006, Defects Substantially Impairing the Effectiveness of Vapor Recovery Systems Used in Motor Fueling Operations, are adopted as set forth in Attachment 1 hereto.

IT IS FURTHER ORDERED, that the Executive Officer expresses thanks to the Air Pollution Control Districts, the equipment users and manufacturers, and other stakeholders for their assistance in amending the defects list and will forward copies of the list to the Districts to aid in their vapor recovery compliance and enforcement activities.

Executed this _____ day of _____, 2002, at Sacramento, California.

Michael P. Kenny
Executive Officer

Attachment