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September 1, 2004

Executive Order G-70-205: Modification of Enhanced Vapor Recovery (EVR) Phase II Operative Dates Relating to the Finding that EVR Phase II Vapor Recovery Systems are not Commercially Available

Dear Sir or Madam:

The enclosed Executive Order provides an extension of several Enhanced Vapor Recovery (EVR) deadlines for Phase II vapor recovery systems. This extension is necessary because an EVR Phase II system will not be certified by the current October 1, 2004 deadline. Accordingly, the enclosed Executive Order allows non-EVR Phase II vapor recovery systems that have been certified to be Onboard Refueling Vapor Recovery (ORVR) compatible to be installed until January 1, 2005.

Background

The regulations establishing the EVR program were originally approved by the Air Resources Board (ARB) in March 2000 and were amended in December 2002. The EVR program is designed to reduce emissions at gasoline dispensing facilities, more commonly known as service stations. EVR is being implemented over a period of eight years to allow time to develop and certify vapor recovery systems to the regulations' technology-forcing standards, as well as to provide a four-year window for existing facilities to upgrade equipment to meet the new standards. The effective dates for several EVR standards were changed in the 2002 EVR technology review amendments because manufacturers needed additional time to design equipment to meet the standards.

The certification of vapor recovery systems typically takes 9 to 12 months, which includes a minimum six-month operational test to assess durability of the equipment. Certification testing for EVR Phase II systems is now underway, but no EVR Phase II system will be certified by the current October 1, 2004 deadline. However, it is expected that an EVR Phase II system will be certified and commercially available by mid-November, 2004.

Commercial Availability and Revision of Operative and Effective Dates

Section 19.2 of CP-201, Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities (amended July 22, 2004) allows modification of operative

and effective dates of performance standards and specifications when systems meeting the standards and specifications are not commercially available. Section 19.2 reads as follows:

19.2 Installation of Systems with Terminated Certifications

19.2.1 When the Executive Officer determines that a certified Phase I or II system that meets the applicable operative performance standards and specifications by operative dates specified in Table 2-1 of CP-201 is not commercially available, the Executive Officer may change the operative and effective dates of new performance standards and specifications by renewing the certification for any system whose certification has been terminated provided that:

(a) Renewal preference shall be given to systems that are certified as being ORVR compatible, and

(b) The renewal shall be valid for a period to be determined by the Executive Officer with a maximum renewal period of six months.

19.2.2 Renewed certifications shall be posted on the CARB's Internet site. Systems whose certifications are posted as renewed certifications are permitted to be installed upon the Executive Officer's finding that a certified system is not commercially available.

The Executive Officer has previously extended the EVR effective and operative dates from April 1, 2004 to October 1, 2004 through Executive Order G-70-203. The enclosed Executive Order G-70-205 documents the ARB Executive Officer's finding that Phase II systems meeting several EVR standards will not be certified by October 1, 2004 and, thus will not be commercially available. The effective and operative dates for post-fueling drips, nozzle spitting, liquid retention (100 ml), spillage, and other Phase II standards and specifications are extended from October 1, 2004 to January 1, 2005. The effective and operative dates for in-station diagnostics are extended from October 1, 2004 to April 1, 2005. A revised EVR Timeline is also enclosed for your information.

Installation of Non-EVR Phase II Systems until January 1, 2005

The Executive Order provides that currently certified Phase II vapor recovery systems that have been certified to be ORVR compatible may be installed until January 1, 2005 Systems meeting this criterion now are listed below and are posted on the Internet at http://www.arb.ca.gov/vapor/eo-ORVR.htm as per section 19.2.2. Other ORVR

compatible systems are in the certification process and will be added to the list when available.

ORVR Compatible Phase II System	ARB Executive Order & Approval Letters
Healy	G-70-186, G-70-191
Balance	G-70-52, Letter 03-04
Hirt	G-70-177-AA, Letter 03-06

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 e-mail when new vapor recovery items are posted.

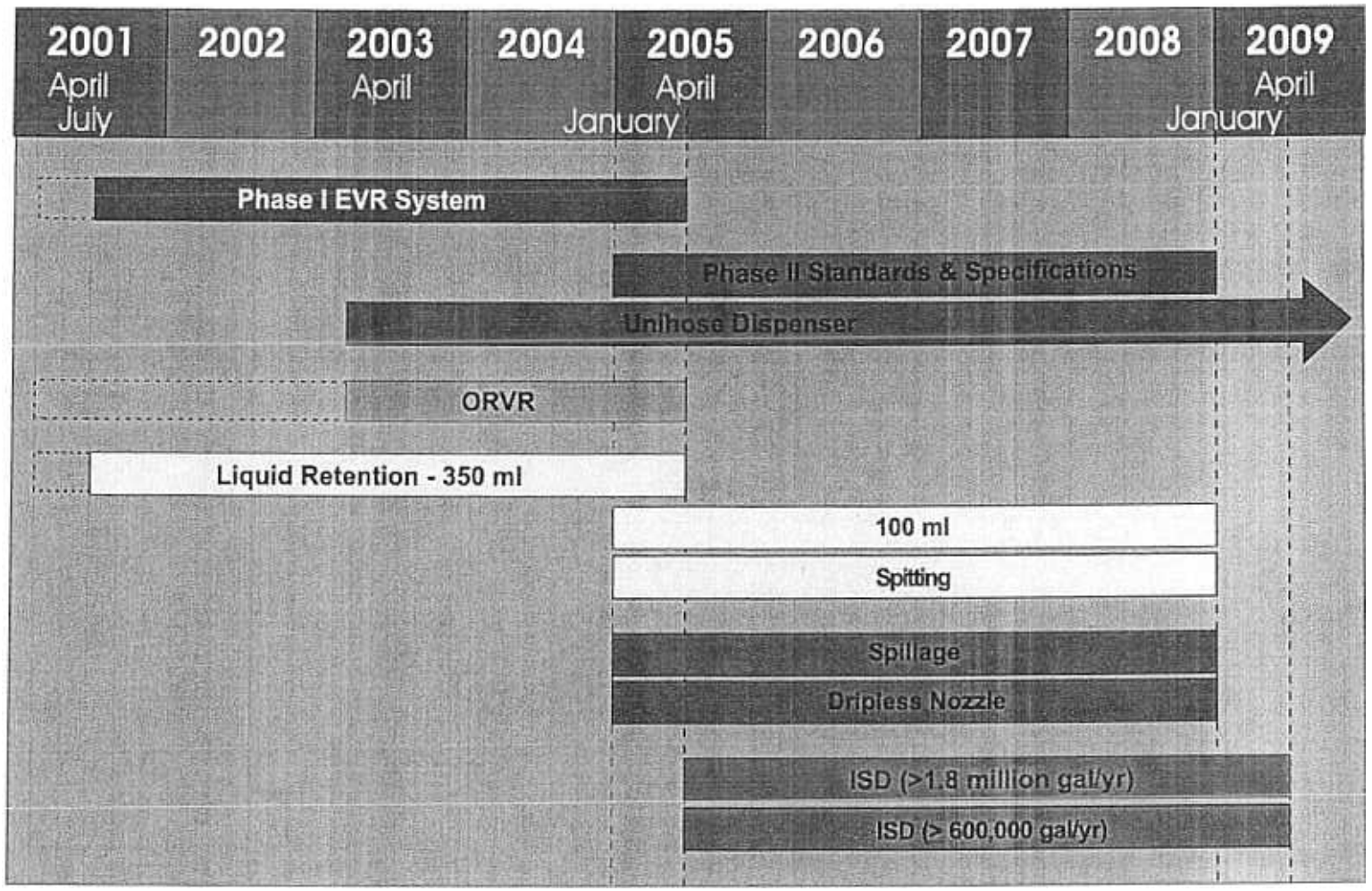
If you have questions or need more information on the EVR regulations, please contact Cindy Castronovo at (916) 322-8957 or via email at ccastron@arb.ca.gov.

Sincerely,

William V. Loscutoff, Chief
Monitoring and Laboratory Division

Enclosures

Revised EVR Timeline



Dotted box: time between start of 4-year clock and operative date

Start of solid bar: date required for new or modified facilities (operative date)

End of solid bar: date required for existing facilities (installed before start of bar)

Not required for dispensers installed before April 2003

August 2004

State of California
AIR RESOURCES BOARD

Executive Order G-70-205

Modification of Enhanced Vapor Recovery Operative and Effective Dates relating to the Finding that EVR Phase II Vapor Recovery Systems are not Commercially Available

WHEREAS, the Air Resources Board (ARB or Board) has adopted Enhanced Vapor Recovery (EVR) regulations for certification and testing of vapor recovery systems installed at gasoline dispensing facilities (service stations and similar facilities), as set forth in 94010-94015, and 94148–94167, title 17, California Code of Regulations (CCR), and the documents incorporated by reference therein;

WHEREAS, Certification Procedure CP-201, Certification Procedure of Vapor Recovery Systems of Dispensing Facilities (CP-201) is among the documents incorporated by reference into title 17, CCR, section 94011;

WHEREAS, section 19.2 of CP-201 provides for installation of systems with terminated certifications when certified systems meeting the applicable standards and specifications are not commercially available by the operative dates specified in Table 2-1 of CP-201;

WHEREAS, section 19.2.1 allows the Executive Officer to change the operative and effective dates of new performance standards and specifications by renewing the certification for systems with terminated certifications with a maximum renewal period of six months;

WHEREAS, Executive Order G-70-203, dated March 11, 2004, renewed the certification of then certified systems that did not meet the operative and effective dates for EVR Phase II standards and specifications on April 1, 2004, until October 1, 2004.

WHEREAS, vapor recovery systems meeting EVR Phase II standards and specifications with effective and operative dates of April 1, 2004, will not be certified by October 1, 2004, and thus will not be commercially available;

WHEREAS, a vapor recovery system meeting EVR Phase II standards and specifications with effective and operative dates of April 1, 2004, except for in-station diagnostics, is anticipated to be certified by January 1, 2005; and

WHEREAS, a vapor recovery system meeting EVR Phase II standards and specifications with effective and operative dates of April 1, 2004, including in-station diagnostics, is anticipated to be certified by April 1, 2005;

IT IS ORDERED that EVR Phase II vapor recovery systems that have been certified to be Onboard Refueling Vapor Recovery (ORVR) compatible as specified in section 4 of CP-201 may continue to be installed until January 1, 2005.

IT IS FUTHER ORDERED that EVR Phase II vapor recovery systems certified as meeting meet the standards and specifications with effective and operative dates of April 1, 2004, other than the requirement for in-station diagnostics specified in section 10 of CP-201, may continue to be installed until April 1, 2005.

Executed at Sacramento, California this 30 day of August, 2004

Catherine Witherspoon
Executive Officer