State of California
AIR RESOURCES BOARD

Executive Order G-70-213-C

Extension of Effective and Operative Dates Relating to the Finding that Enhanced Vapor Recovery (EVR) Phase II Vapor Recovery and In-Station Diagnostic (ISD) Systems for Gasoline Dispensing Facilities (GDF) Using Aboveground Storage Tanks (AST) Are Not Commercially Available

WHEREAS, the Air Resources Board (ARB) has adopted EVR regulations for the certification and testing of Vapor Recovery Systems installed at GDFs using ASTs as set forth in the California Code of Regulations (CCR), 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 CCR, title 17, section 94016;

WHEREAS, section 2 of CP-206 provides effective and operative dates for Phase II and ISD systems as specified in Table 2-1 of CP-206;

WHEREAS, ARB has determined that the effective and operative dates for Phase II and ISD systems specified in Table 2-1 of CP-206 cannot be met and established new effective and operative dates in Executive Order G-70-213-B;

WHEREAS, ARB has determined that EVR Phase II and ISD systems meeting the current performance standards and specifications will not be certified by the effective and operative dates of January 1, 2012, specified in Executive Order G-70-213-B 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, the Board in 2012 anticipates the adoption of regulations that will define the effective or operative date of new vapor recovery performance

standards and specifications as the date when the first system is certified to meet such standards.

NOW, THEREFORE, IT IS HEREBY ORDERED that pre-EVR certified Phase II vapor recovery systems for ASTs may continue to be installed until such time as ARB certifies a Phase II and/or ISD system that complies with performance standards and specifications required by sections 5, 6, 7, 8, 9, and 10 of CP-206;

IT IS FURTHER ORDERED that Executive Order G-70-213-B issued on December 21, 2009, is hereby superseded by this Executive Order.

Executed at Sacramento, California, this _23rd_ day of February 2012.

James N. Goldstene
Executive Officer