

State of California
AIR RESOURCES BOARD

Executive Order G-04-057

Relating to the Emergency Amendment of
Title 17, California Code of Regulations, Section 94011

WHEREAS, on July 22, 2004, the Air Resources Board (ARB or Board) conducted a public hearing to consider the adoption of amendments to the regulations for certification and testing of vapor recovery systems installed at gasoline dispensing facilities (service stations and similar facilities), as set forth in the Initial Statement of Reasons and Staff Report released to the public on June 4, 2004;

WHEREAS, following the public hearing on July 22, 2004, the Board adopted Resolution 04-21, in which the Board approved amendments to 94011, 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, CP-201, Table 2-1 specifies the effective and operative dates of the EVR performance standards and specifications;

WHEREAS, gasoline dispensing facilities subject to vapor recovery requirements must comply with EVR standards within four years of the standard effective date as provided in H&SC 41956.1;

WHEREAS, gasoline dispensing facilities subject to vapor recovery requirements are required to have Phase II systems that are compatible with fueling vehicles equipped with Onboard Refueling Vapor Recovery (ORVR) by April 1, 2005;

WHEREAS, section 4.11 of CP-201 requires use of unihose dispensers for gasoline dispensing facilities installed after April 1, 2003;

WHEREAS, section 4.11 of CP-201 requires use of unihose dispensers for gasoline dispensing facilities installed prior to April 1, 2003 when the facility replaces more than 50 percent of the dispensers or makes a modification, other than the installation of required sensors, that modifies over 50 percent of the vapor piping in the dispenser;

WHEREAS, upgrades to make assist Phase II systems compatible with ORVR vehicles can modify over 50 percent of the vapor piping in the dispenser and thus trigger the unihose requirement, which can require replacement of existing dispensers;

WHEREAS, replacement of dispensers to achieve ORVR compatibility is not cost-effective for some stations;

WHEREAS, the Board's staff has proposed revisions to section 4.11 of CP-201 that will allow upgrades to ORVR compatible systems without triggering the unihose requirement and thus reduce costs to station operators;

WHEREAS, the Board's staff has proposed amendments to title 17, California Code of Regulations, section 94011, which incorporates by reference the revised vapor recovery certification procedure;

WHEREAS, the proposed amendments are reasonable and necessary to achieve and maintain ambient air quality standards;

WHEREAS, on July 22, 2004, the Board adopted section 94011, title 17, California Code of Regulations, as set forth in Attachment A hereto;

WHEREAS, station owners must decide on ORVR compatibility upgrades as soon as possible in order to meet permitting deadlines and obtain contracting services in advance of the April 1, 2005 deadline; and

WHEREAS, as declared in the enclosed Finding of Emergency, the adoption of an emergency regulation is necessary for the immediate preservation of the public peace, health and safety, or general welfare.

IT IS ORDERED, that the unihose requirement be modified, as set forth in the attached revised section 4.11 of CP-201.

IT IS ORDERED, that title 17, CCR, section 94011, and the incorporated CP-201, be amended, as set forth in the attached Emergency Regulation Order.

IT IS FURTHER ORDERED, that the regulation and the relevant portion of the incorporated certification procedure be submitted to the OAL as an emergency rulemaking action to ensure cost-effective options for compliance with the ORVR compatibility requirement.

Executed this _____ day of _____ 2004, at Sacramento, California.

Catherine Witherspoon
Executive Officer

Attachment