

State of California
AIR RESOURCES BOARD

Executive Order G-70-213-B

**Extension of Effective and Operative Dates Relating to the Finding that
Enhanced Vapor Recovery (EVR) Phase I, 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, 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 Phase I, 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 I, 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;

WHEREAS, ARB has determined that EVR Vapor Recovery Systems that meet the Phase I performance standards and specifications will not be certified by the current effective and operative dates of January 1, 2010, specified in Executive Order G-70-213 and thus will not be commercially available;

WHEREAS, ARB has determined that EVR Vapor Phase II and ISD performance standards and specifications will not be certified by the current effective and operative dates of January 1, 2011, specified in Executive Order G-70-213 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 Phase I at GDFs using ASTs is anticipated to be certified by July 1, 2010; and

WHEREAS, a vapor recovery system meeting EVR performance standards and specification for Phase II at GDFs using ASTs with or without ISD is anticipated to be certified by January 1, 2012;

NOW, THEREFORE, IT IS HEREBY 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 July 1, 2010 and that pre-EVR Phase I vapor recovery systems for ASTs may continue to be installed until June 30, 2010.

IT IS FURTHER ORDERED that EVR Phase II and ISD performance standards and specification 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, 2012 and that pre-EVR Phase II vapor recovery systems for ASTs may continue to be installed until December 31, 2011.

IT IS FURTHER ORDERED that Executive Order G-70-213 issued on December 31, 2008 is hereby superseded by this Executive Order.

Executed at Sacramento, California this 21 day of December, 2009.



James N. Goldstene
Executive Officer