

**State of California
AIR RESOURCES BOARD**

Related to the Certification of Vapor Recovery Systems

Executive Order G-70-216

**Extension of Effective Dates for
Existing Aboveground Storage Tanks
at Gasoline Dispensing Facilities Due to the Finding that
Certified Phase I Enhanced Vapor Recovery Systems
Are Not Commercially Available**

WHEREAS, the Air Resources Board has established, pursuant to California Health and Safety Code sections 39600, 39601, and 41954, certification for systems designed for the control of gasoline vapor emissions during the filling of aboveground storage tanks (AST), in its CP-206, Certification Procedure of Vapor Recovery Systems for Gasoline Dispensing Facilities Using Aboveground Storage Tanks (CP-206 or Certification Procedure) as amended on January 9, 2013, incorporated by reference in the California Code of Regulations (CCR), title 17, section 94016;

WHEREAS, section 2 (Table 2-1) of the Certification Procedure establishes effective dates for Phase I vapor recovery performance standards;

WHEREAS, section 2.4.4 of the Certification Procedure authorizes the Executive Officer to extend the effective dates, if he or she determines that no Phase I vapor recovery system has been certified or will not be commercially available by the dates specified in Table 2-1 of the Certification Procedure;

WHEREAS, under CP-206, owners of new ASTs are required to install more stringent Phase I vapor recovery systems, known as "Enhanced Vapor Recovery" or "EVR" for new ASTs on July 1, 2010, and owners of existing ASTs are required to have Phase I EVR installed by July 1, 2014, unless otherwise exempted from compliance by ARB;

WHEREAS, certified vapor recovery systems on existing AST's prior to the July 1, 2014 compliance date are known as Pre-EVR systems;

WHEREAS, the Executive Officer has received requests that certified Phase I EVR vapor recovery systems are not compatible with existing ASTs because they do not receive gasoline through top fill (direct or remote), do not accommodate an emergency vent, have less than three bungs available for vapor recovery components, or do not have a product bung with a diameter of four inches;

WHEREAS, the Executive Officer has determined that currently certified Phase I systems are not compatible with the abovementioned ASTs and that Phase I compatible systems are not commercially available.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Phase I effective dates for existing ASTs that do not receive gasoline through top fill (direct or remote), do not possess bungs (tank openings) to accommodate an emergency vent, have less than three bungs, or do not have a product bung with a diameter of four inches are hereby extended until such time as the Executive Officer certifies a compatible Phase I vapor recovery system that complies with performance standards and specifications required by Section 4 of the Certification Procedure;

IT IS FURTHER ORDERED that certified, pre-EVR Phase I vapor recovery systems on existing ASTs may continue to be used and installed until such time as the Executive Officer certifies a compatible Phase I EVR system;

IT IS FURTHER ORDERED that owners of existing ASTs shall have at least four years from the date when the first compatible Phase I EVR system is certified to comply with performance standards and specifications required by section 4 of the Certification Procedure;

IT IS FURTHER ORDERED that compliance with the applicable requirements, rules and regulations of the Division of Measurement Standards of the Department of Food and Agriculture, the Office of the State Fire Marshal of the Department of Forestry and the Fire Protection, and the Division of Occupational Safety and Health of the Department of Industrial Relations are not negated or superseded by this extension.

Executed at Sacramento, California, this 13th day of March 2014.


Richard W. Corey
Executive Officer