



California Independent Oil Marketers Association
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February 27, 2012

Clerk of the Board, Air Resources Board
1001 I Street
Sacramento, California 95814

Re: 15-day Notice: Amendments of Vapor Recovery Certification and Test Procedures
for Underground and Aboveground Storage Tanks...

To Whom It May Concern:

This letter constitutes California Independent Oil Marketers Association (CIOMA) comments to the 15-day notice issued by the Air Resources Board (CARB) regarding changes made to the above-noticed regulatory proceeding.

The notice indicates removal of section 2.4.9 of CP-201 and section 2.4.8 of CP-206 which would delete the proposed option for any person to request an engineering review when a vapor recovery system or component is thought to be incompatible with certain types of gasoline dispensing facilities. As previously stated in CIOMA support of these sections, we believe a fundamental flaw exists in the EVR regulations whereby station owners and operators may incur significantly higher expense and difficulty than envisioned in CARB supporting information in adoption of EVR requirements due to disagreements over how technology may be employed and installed in particular situations, and ways in which equipment is certified. Therefore we strongly supported these provisions.

After thorough discussions with the Monitoring and Laboratory Division staff (which included assistance from the CARB Ombudsperson Office) we no longer object to the removal of these sections, with important conditions. We now understand, as is stated in the 15-day notice, "the Executive Officer would still retain existing authority, found in CP-201, section 2.4.4, and CP-206, section 2.4.4, to amend effective and operative dates for vapor recovery requirements via Executive Order when no compatible equipment is commercially available." In our discussions with MLD staff we better understand that owners and operators of facilities may, at any time, approach CARB staff with information about difficulty in meeting EVR requirements. However, that ability is not well understood in the regulated community, nor is there a process or system established to achieve this administrative review.

Our removal of opposition is conditioned upon a requirement in the supporting resolution that mandates CARB staff to provide an advisory to the regulated community within 30 days after final approval of the regulation package outlining the method in which to present concerns to CARB regarding applicability of certified equipment to a particular situation or

system, or to indicate other difficulties being experienced in maintaining compliance with the EVR requirements.

We respectfully request that a copy of the re-drafted resolution, including the above-noted requirement, be provided to CIOMA in advance of being proposed for adoption to the Board, so that we may review it, in advance, for adherence to our request.

We appreciate the time provided by the Ombudsperson's Office and MLD staffs in helping us better understand the ramifications of these sections' removal, especially after their removal was stimulated by CIOMA support of these provisions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay McKeeman", written in a cursive style.

Jay McKeeman, Vice President of Government Relations & Communications

cc: James Goldstene, Executive Officer, CARB
Alberto Ayala, George Lew, CARB MLD
La Ronda Bowen, CARB Ombudsperson Office
CIOMA Board of Directors