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Air Resources Board



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Acting Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

April 28, 2011

Mr. Julius Friedman
EZ flo Nozzle & Equipment Company
810 Golden Grove Way
Covina, California 91722

Dear Mr. Friedman:

This letter is a follow-up to your meeting with Mr. Tom Cackette on February 24, 2011, and includes our response to your letter dated March 10, 2011. Your meeting and letter pertained to your request that the Air Resources Board (ARB) certify EZ flo's nozzle replacement sub-parts (front-end repair parts such as spouts, bellows, and face seals). Mr. Cackette asked me to respond to your letter and to provide guidance for obtaining ARB certification.

Your letter dated March 10, 2011, presented arguments that the EZ flo front-end repair parts are not subject to the requirements of the Certification Procedure 201 (CP-201), Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities. ARB staff does not agree with your position and the reasons are summarized in Enclosure A. This Enclosure also responds to the points raised in your letter.

Initially EZ flo will need to clarify what certification is being requested. Based on your March 2010 submittal and your March 10, 2011, letter, it would appear that EZ flo is requesting certification for the following:

1. front-end repair parts for the Healy 900 nozzle
2. front-end repair parts for the Vapor Systems Technologies balance nozzle
3. front-end repair parts for the Emco A4005EVR nozzle
4. EZ flo 5005/5015 balance nozzle
5. interlock cap and diaphragm for the VST balance nozzle

As a point of clarification, only the original equipment manufacturer will be allowed to provide repair parts or kits for their components due to warranty and liability concerns. Adding EZ flo front end parts or interlock cap and diaphragm (items 1, 2, 3, and 5 above) will constitute a rebuilt nozzle, which will be treated as a new alternate component for certification purposes. The rebuilt nozzle must carry EZ flo's manufacturer's identification tag, part number, associated warrant, and meet all other requirements of CP-201.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

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business. EZ flo can designate portions of the application as “trade secret” and ARB staff will protect that information from disclosure according with provisions in California Code of Regulations, title 17, section 91000 et seq. To facilitate the processing of your application, ARB intends to share your information with the CAPCOA reviewer, who has agreed in writing to protect trade secrets. ARB routinely exchanges information with government bodies with which we share environmental protection responsibilities, pursuant to agreements to protect trade secrets.

2. EZ flo Comment

Franklin Fueling, VST, and Emco Wheaton; nor any other nozzle manufacturer offers a one-year warranty on their field replaceable parts (spout, boot, and face seal). Please refer to the warranty section of each nozzle manufacturers’ certification approval. CP-201 has allowed them to do this because CP-201 considers these replacement sub-parts to the primary component and not components. In Paul Marzillis email dated May 18, 2010 he wrote:

5.) EZ flo to provide letter that establishes the reasons why you believe you are not required to notify the manufacturers of three nozzles that you are looking to add alternate components too.

9.) EZ flo has agreed to provide warranty documentation that will be needed to put into the appropriate Executive Order for each component.

#5 is not a requirement because we are not adding alternate components. We should not have to write a letter explaining this because CP-201 is clear that only alternate components and component modifications are required to notify the manufacturer. With regards to #9, EZ flo did not agree to offer a warranty on replacement sub parts to the primary component, since it is not required by CP-201. A warranty on these parts is not even offered by the original manufacturers. Paul’s email demonstrates that our request has been misclassified. These requirements arbitrarily set forth for our certification are based on an incorrect definition of a component by the engineering and certification branch and not CP-201’s definition.

ARB Response

In response to the notification requirement of section 11.9, ARB staff will assist EZ flo and send the required notifications to the appropriate companies. ARB staff will forward any replies from these companies to EZ flo. It will be up to EZ flo to respond to requests from these companies.

Please see General Response for reasons that replacement sub-parts are subject to CP-201.

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As provided by state law, ARB specifies a minimum warranty period of at least one year from the date on installation (ref. section 16 of CP-201). EZ flo is correct that two of the three EVR nozzle manufacturers (OEM) did not provide a warranty of at least one year from the date of installation for replacement sub-parts. ARB staff will notify and require these two OEMs to modify their warranty to comply with section 16.

3. EZ flo Comment

FFS has made numerous modifications to not only a replacement sub part, but to their entire system. FFS was allowed to remove one of their VP-1000 motors based the "logic" that one motor is better than two. Since our material is currently used on stations that have not upgraded to EVR but use the same fuel as EVR stations, today's fuels will not adversely affect this material. If CARB allows a system modification decreasing the number of motors without 180 days of testing, CARB can determine without 180 days of testing, that today's fuels cannot adversely affect EZ flo's material based on the information EZ flo has submitted.

ARB Response

The fact that the materials used by EZ flo are compatible with today's fuel is only part of ARB staff's evaluation. Even if ARB staff agreed that the material used by EZ flo is compatible with today's gasoline, it does not address the issue of whether or not EZ flo's part or component will comply with applicable EVR performance standards and specifications over an operational test period of at least 180 days, as well as required challenge tests and equipment defect tests (VRED). The only way to show compliance with EVR performance standards and specifications is having the part or component undergo an operational test of at least 180 days. As mentioned earlier, previous certification test results collected prior to the adoption of the EVR performance standards and specifications cannot be used in lieu of an operational test.

The statement that FFS "...was allowed to remove one of VP-1000 motors based on the 'logic' that one motor is better than two." is incorrect. The FFS Healy EVR system was only certified at the outset with one VP-1000 motor per dispenser.

ARB has approved a number of modifications to the FFS Healy nozzle after certifications. Some approvals were made after an operational test of at least 180 days and other approvals were made on the basis of abbreviated or limited testing. These approvals were made on a nozzle that has successfully demonstrated compliance with applicable performance standards or specifications with the new standards or specifications. However, if you have information or evidence that FFS made modifications without ARB approval, EZ flo should contact Ranjit Bhullar at (916) 322-0223 or by email at rbhullar@arb.ca.gov.