State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER ADOPTION OF AMENDMENTS TO VAPOR RECOVERY CERTIFICATION AND TEST PROCEDURES FOR UNDERGROUND AND ABOVEGROUND STORAGE TANKS INCLUDING GASOLINE DISPENSING FACILITY HOSE REGULATION

Public Hearing Date: September 22, 2011
Public Availability Date: February 10, 2012
Deadline for Public Comment: February 27, 2012

At its September 22, 2011, public hearing, the Air Resources Board (ARB or Board) approved the adoption of amendments to sections 94010, 94011, 94016, 94150, and 94168, title 17, California Code of Regulations (CCR), which incorporate by reference vapor recovery definitions, certification procedures, and test procedures. The following documents are incorporated by reference in the regulations: *Definitions for Vapor Recovery Procedures*, D-200, last amended May 2, 2008; *Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities*, CP-201, last amended May 25, 2006; *Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks,* CP-206, adopted May 2, 2008; *Volumetric Efficiency for Phase I Vapor Recovery Systems*, TP-201.1, last amended October 8, 2003; *Efficiency and Emission Factor for Phase II Systems*, TP-201.2, last amended May 2, 2008; *Determination of the Vehicle Matrix for Phase II* Systems, TP-201.2A, last amended February 1, 2001; *Test Procedure for In-Station Diagnostic* Systems, TP-201.2I, last amended May 25, 2006; *Pressure Drop Bench Testing of Vapor Recovery* Components, TP-201.2J, adopted October 8, 2003; *Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities*, TP-201.3, last amended March 17, 1999; and *Determination of Static Pressure Performance of Vapor Recovery Systems at Gasoline Dispensing Facilities with Aboveground Storage Tanks*, TP-206.3, adopted May 2, 2008.

These amendments will clarify the statutory four-year timeframe for installing new equipment at existing gasoline dispensing facilities, establish a permeation limit for dispensing hoses, and correct minor errors and inconsistencies in the current vapor recovery equipment certification and test procedures. At the hearing, the Board adopted Resolution 11-29, in which it approved the originally proposed amendments and directed the Executive Officer to adopt the proposed amendments in accordance with section 11346.8 of the Government Code.

In Resolution 11-29, the Board instructs the Executive Officer to determine if additional conforming modifications to the proposed amendments are appropriate. If so, the Executive Officer is authorized to adopt such amendments in accordance with section 11346.8 of the Government Code, after making the modified text available to the public for comment for a period of at least 15-days. The Board further provided that the

Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

The regulatory documents for this rulemaking, including Resolution 11-29, are available online at the following ARB website:
http://www.arb.ca.gov/regact/2011/evr11/evr11.htm

This notice is an announcement of the opening of a 15-day comment period in which the public may provide comments on proposed modifications to the Vapor Recovery Certification and Test Procedures for Underground and Aboveground Storage Tanks including the Gasoline Dispensing Facility Hose Regulation.

Summary of Proposed Modifications

Attachment 1 to this notice contains the text of CP-201 – "Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities" and CP-206 – "Certification Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks" that shows the proposed 15-day modifications to the originally proposed amendments. There are no proposed 15-day modifications to the text of Title 17 of the California Code of Regulations or any of the other incorporated documents. The rationale for the modifications to the originally proposed regulatory amendments to the text of CP-201 – "*Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities*" and CP-206 – "*Certification Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks*" is set forth below.

The amendments approved by the Board on September 22, 2011 included an 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. During the initial public comment period, a commenter suggested that this engineering review could be either a good or bad thing depending on how it was carried out by ARB staff and the Executive Officer. The comment made it clear to ARB staff and counsel that the review process was not adequately defined in the initial proposal, and that additional clarification was needed.

After extensive deliberation about how best to clarify the initial proposal, it was decided that section 2.4.9 of CP-201 and section 2.4.8 of CP-206 as originally proposed would be deleted to remove 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. If these sections are deleted as proposed, 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 the past, effective dates for vapor recovery requirements have been amended via Executive Order to address situations where no vapor recovery systems are available that meet applicable requirements. The most recent examples of this process are summarized in Table 1. The Executive Orders issued for this purpose are available in Attachment 2. Executive Orders have been used effectively in the past to amend effective dates, and the Executive Officer can continue to use this process as needed in the future. The previously proposed engineering review provisions are redundant and unnecessary and are therefore proposed for deletion.

Table 1 - Executive Orders Issued to Address the Lack of Certified Vapor Recovery Equipment

EO Number	Date	Facility Type Addressed by EO
G-70-210 G-70-215	6/13/2008 2/28/2011	Facilities that use a common underground tank(s) to supply fuel for both bulk loading and standard dispensing operations
G-70-211	6/13/2008	Facilities with piping systems that include a liquid condensate trap
G-70-212	7/16/2008	Facilities with underground tanks that store E-85 (85% ethanol)

Submission of Comments

Written comments will only be accepted on the modifications described in this notice and may be submitted by postal mail or electronic mail submittal as follows:

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

Electronic submittal: http://www.arb.ca.gov/lispub/comm/bclist.php

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alterno u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

Attachments

Attachment 1 – Proposed Modifications to Text of CP-201 and CP-206

Attachment 2 – Executive Orders Delaying Effective Dates for Certain GDF Types

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 ARB's website at www.arb.ca.gov.

ATTACHMENT 1

PROPOSED 15-DAY MODIFICATIONS TO AMENDMENTS TO VAPOR RECOVERY CERTIFICATION AND TEST PROCEDURES FOR UNDERGROUND AND ABOVEGROUND STORAGE TANKS INCLUDING GASOLINE DISPENSING FACILITY HOSE REGULATION

Note: This attachment is printed in a style to indicate changes from the originally proposed provisions. The originally proposed amendments as presented in the "*Notice of Public Hearing to Consider Adoption of Amendments to Vapor Recovery Certification and Test Procedures for Underground and Aboveground Storage Tanks Including Gasoline Dispensing Facility Hose Regulation*" made available on August 11, 2011, are indicated in underline to indicate additions and in ~~strikeout~~ to indicate deletions.

The modifications to the originally proposed language presented in the "*Notice of Public Availability of Modified Text*" are shown in double underline to indicate proposed additional text, and **~~bold strikeout~~** to indicate proposed deleted text.

This attachment includes only excerpts from the Certification Procedures that are being amended at this time. The full Certification Procedures, including amendments approved by the Board on September 22, 2011, are available online at http://www.arb.ca.gov/regact/2011/evr11/evr11.htm

California Environmental Protection Agency
Air Resources Board

Vapor Recovery Certification Procedure

CP-201

Certification Procedure for Vapor Recovery Systems at

Gasoline Dispensing Facilities

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2. PERFORMANCE STANDARDS AND SPECIFICATIONS

2.1 Performance Standards

A performance standard defines the minimum performance requirements for certification of any system, including associated components. An applicant may request certification to a performance standard that is more stringent than the minimum performance standard specified in CP-201. Ongoing compliance with all applicable performance standards, including any more stringent standards requested by the applicant, shall be demonstrated throughout certification testing.

2.2 Performance Specifications

A performance specification is an engineering requirement that relates to the proper operation of a specific system or component thereof. In addition to the performance specifications mandated in CP-201, an applicant may specify additional performance specifications for a system or component. An applicant may request certification to a performance specification that is more stringent than the minimum performance specification in CP-201. Ongoing compliance with all applicable performance specifications, including any more stringent specifications requested by the applicant, shall be demonstrated throughout certification testing.

2.3 Innovative System

The innovative system concept provides flexibility in the design of vapor recovery systems. A vapor recovery system that fails to comply with an identified performance standard or specification may qualify for consideration as an innovative system, provided that the system meets the primary emission factor/efficiency, complies with all other applicable requirements of certification, and the Executive Officer determines that the emission benefits of the innovation are greater than the consequences of failing to meet the identified standard or specification.

2.4 Additional or Amended Performance Standards or Performance Specifications

Whenever these Certification Procedures are amended to include additional or amended performance standards, any system that is certified as of the effective date of additional or amended standards shall remain certified until the operative date.

Systems installed before the operative date of additional or amended standards may remain in use for the remainder of their useful life or for up to four years after the effective date of the new standard, whichever is shorter, provided the requirements of section 19 are met.

Whenever these Certification Procedures are amended to include additional or amended performance specifications, a system shall remain certified until the Executive Order expiration date. A system that was installed before the operative date of additional or amended performance specifications may remain in use subject to the requirements of section 17.

2.4.1 The effective and operative dates of adoption for all performance standards and specifications contained herein are specified in Table 2-1.

2.4.2 The operative dates of performance standards shall be the effective date of adoption of amended or additional performance standards, except as otherwise specified in Table 2-1. Certifications shall terminate on the operative date of amended or additional performance standards unless the Executive Officer determines that the system meets the amended or additional performance standards. Upon the operative date of amended or additional performance standards, only systems complying with the amended or additional performance standards may be installed.

2.4.3 The operative dates of performance specifications are listed in Table 2-1. As of the operative date of amended or additional performance specifications, only systems complying with the amended or additional performance specifications may be installed.

2.4.4 When the Executive Officer determines that no Phase I or Phase II system has been certified or will not be commercially available by the operative dates specified in Table 2-1 of CP-201, the Executive Officer shall extend the operative date and may extend the effective date of amended or additional performance standards or specifications. If there is only one certified system to meet amended or additional standards, that system is considered to be commercially available if that system can be shipped within eight weeks of the receipt of an order by the equipment manufacturer.

2.4.5 Any performance standard or specification with an effective date of January 1, 2012 or later shall become effective on the date when the first system is certified to meet the performance standard or specification. The Executive Officer shall maintain, and make available to the public, a current list of effective and operative dates for all standards and specifications.

2.4.~~5~~6 The Executive Officer may determine that a system certified prior to the operative date meets the amended or additional performance standards or specifications. In determining whether a previously certified system conforms with any additional or amended performance standards, specifications or other requirements adopted subsequent to certification of the system, the Executive Officer may consider any appropriate information, including data

obtained in the previous certification testing of the system in lieu of new testing.

2.4.~~6~~7 Gasoline Dispensing Facilities in districts that ARB determines are in attainment with the state standard for Ozone are exempted from the Enhanced Vapor Recovery performance standards and specifications set forth in sections 3 through 9, inclusive, with the exception of the requirement for compatibility with vehicles that are equipped with Onboard Refueling Vapor Recovery (ORVR) systems as specified in subsection 4.4. New GDFs, and those undergoing major modifications, are not exempt. If exempt facilities become subject to additional standards due to a subsequent reclassification of their district from attainment to non-attainment, the facilities will have four years to comply.

2.4.~~7~~8 The gasoline dispensing facility's gasoline throughput for calendar year 2003 shall be used for determining compliance with the Onboard Refueling Vapor Recovery (ORVR) requirements in Table 2-1.

~~**2.4.9 Any person can petition the Executive Officer for an engineering evaluation to determine whether the first system certified to meet a standard or specification cannot be installed and/or operated, or is otherwise incompatible with a specific type or subgroup of GDF. The petitioner shall submit the following information to the Executive Officer:**~~

~~**a) The Executive Order and specific EVR component(s) that is claimed to be incompatible,**~~
~~**b) The specific type or subgroup of GDF that is claimed to be incompatible with the specified EVR component(s),**~~
~~**c) A detailed technical explanation of the claimed incompatibility, supported by test data if applicable,**~~
~~**d) An estimate of how many GDFs in California are subject to the claimed incompatibility,**~~
~~**e) An estimate of the cost to modify a typical GDF of the affected type or subgroup so that it would no longer be subject to the claimed incompatibility.**~~
~~**f) Any other information that the Executive Officer deems reasonable and necessary in conducting the engineering evaluation.**~~

~~**The Executive Officer shall conduct an engineering evaluation and if incompatibility is found, the Executive Officer shall issue an executive order stating the incompatibility between the certified system and the GDF type or subgroup which was the subject of the evaluation. In this event, such GDF type or subgroup is not subject to the standard or specification until such date when the first system is certified that is compatible with that GDF type or subgroup. This provision applies to any standard or specification with an effective date on or after January 1, 2012.**~~

Table 2-1
Effective and Operative Dates for Phase I and Phase II Vapor Recovery Performance Standards and Specifications

Performance Type	Requirement	Sec.	Effective Date	Operative Date
P/V Vent Valve	As specified in Table 3-1	3.5	Not applicable	July 1, 2007
All other Phase I Standards and Specifications	As specified in Table 3-1	3	April 1, 2001	July 1, 2001
ORVR Compatibility for GDF > 2.0 million gal/yr throughput[1]	As specified in section 2.4.7 and section 4.4	4.4	September 1, 2001	April 1, 2003
ORVR Compatibility for GDF ≥ 1.0 million gal/yr throughput[1]	As specified in section 2.4.7 and section 4.4	4.4	January 1, 2002	April 1, 2003
ORVR Compatibility for GDF < 1.0 million gal/yr throughput[1]	As specified in section 2.4.7 and section 4.4	4.4	March 1, 2002	April 1, 2003
Nozzle Criteria	Post-Refueling Drips ≤ 3 drop/refueling	4.7	April 1, 2005	April 1, 2005
Liquid Retention	≤ 350 ml/1,000 gals.	4.8	April 1, 2001	July 1, 2001
Liquid Retention Nozzle Spitting	≤ 100 ml/1,000 gals. ≤ 1.0 ml /nozzle/fueling	4.8	April 1, 2005	April 1, 2005
Spillage (including drips from spout)	≤ 0.24 pounds/1,000 gallons	4.3	April 1, 2005	April 1, 2005
For GDF > 1.8 mil. gal/yr.	ISD Requirements	9	September 1, 2005	September 1, 2005
For GDF > 600,000 gal/yr.[2]	ISD Requirements	9.1	September 1, 2006	September 1, 2006
Unihose	One Hose/Nozzle per Dispenser Side	4.10	Not applicable	April 1, 2003
All other Phase II Standards and Specifications	As specified in Tables 4-1 through 8-2.	4,5, 6,7,8	April 1, 2005	April 1, 2005
Low Permeation Hoses	Permeation rate ≤ 10.0 g/m^2/day as determined by UL 330	20.1	Date when the first applicable low permeation hose is certified	Same as the effective date

[1] Effective January 1, 2001, state law requires the certification of only those systems that are ORVR compatible (Health and Safety Code section 41954, as amended by Chapter 729, Statutes of 2000; Senate Bill 1300).
[2] GDF ≤ 600,000 gal/yr are exempted from ISD requirements.

California Environmental Protection Agency
Air Resources Board

Vapor Recovery Certification Procedure

CP-206

Certification Procedure for Vapor Recovery Systems
At Gasoline Dispensing Facilities Using
Aboveground Storage Tanks

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2. PERFORMANCE STANDARDS AND SPECIFICATIONS

Table 2-1
Effective and Operative Dates for Standing Loss Control, Phase I, and Phase II Performance Standards

Performance Type	Requirement	Sec.	Effective Date	Operative Date
Standing Loss Control	As Specified in Table 3-1	3	~~January 1, 2009~~ April 1, 2009	~~January 1, 2009~~ Same as effective date
All Phase I Standards and Specifications	As specified in Table 4-1	4	~~January 1, 2009~~ July 1, 2010	~~January 1, 2009~~ Same as effective date
ORVR Compatibility(1)	As specified in Section 5.4	5.4	~~January 1, 2009~~ Date when first ORVR Compatible System is certified	~~January 1, 2009~~ Same as effective date
Nozzle Criteria	Post Refueling Drips: ≤ 3 drops/refueling	5.7	~~January 1, 2009~~ Date when first nozzle is certified	~~January 1, 2009~~ Same as effective date
Liquid Retention Nozzle Spitting	≤ 100 ml/1,000 gals. dispensed ≤ 1.0 ml/nozzle/~~fueling~~ test	5.8	~~January 1, 2009~~ Date when first nozzle is certified	~~January 1, 2009~~ Same as effective date
Spillage (including drips from spout)	≤ 0.24 pounds/1,000 gals dispensed	5.3	~~January 1, 2009~~ Date when first nozzle is certified	~~January 1, 2009~~ Same as effective date
In-Station Diagnostics (ISD)	For GDF > 600,000gal/yr.(2)	10	~~January 1, 2009~~ Date when first ISD system is certified	~~January 1, 2009~~ Same as effective date

All other Phase II Standards and Specifications	As Specified in Tables 5-1, 6-1, 7-1, 8-1, 9-1, and 9-2	5,6,7,8,9	~~January 1, 2009~~ Date when first Phase II system is certified	~~January 1, 2009~~ Same as effective date
Low Permeation Hoses	Permeation rate ≤ 10.0 g/m^2/day as determined by UL 330	21	Date when the first low permeation hose is certified	Same as effective date

~~(1)~~ Effective January 1, 2001 state law requires the certification of only those systems that are ORVR compatible (Health and Safety Code Section 41954, as amended by Chapter 729, Statutes of 2000; Senate Bill 1300).

(2) GDFs ≤600,000 gal/yr are exempted from ISD requirements.

2.1 Performance Standards

A performance standard defines the minimum performance requirements for certification of any system, including associated components. An applicant may request certification to a performance standard that is more stringent than the minimum performance standard specified in CP-206. Ongoing compliance with all applicable performance standards, including any more stringent standards requested by the applicant, shall be demonstrated throughout certification testing.

2.2 Performance Specifications

A performance specification is an engineering requirement that relates to the proper operation of a specific system or component thereof. In addition to the performance specifications mandated in CP-206, an applicant may specify additional performance specifications for a system or component. An applicant may request certification to a performance specification that is more stringent than the minimum performance specification in CP-206. Ongoing compliance with all applicable performance specifications, including any more stringent specifications requested by the applicant, shall be demonstrated throughout certification testing.

2.3 Innovative System

The innovative system concept provides flexibility in the design of vapor recovery systems. A vapor recovery system that fails to comply with an identified performance standard or specification may qualify for consideration as an innovative system, provided that the system meets the primary emission factor/efficiency, complies with all other applicable requirements of certification, and the Executive Officer determines that the emission benefits of the innovation are greater than the consequences of failing to meet the identified standard or specification.

2.4 Additional or Amended Performance Standards or Performance Specifications

Whenever these Certification Procedures are amended to include additional or amended performance standards, any system that is certified as of the effective date of additional or amended standards shall remain certified until the operative date. Systems installed before the operative date of additional or amended standards may remain in use for the remainder of their useful life or for up to four years after the effective date of the new standard, whichever is shorter, provided the requirements of Section 20 are met.

Whenever these Certification Procedures are amended to include additional or amended performance specifications, a system shall remain certified until the Executive Order expiration date. A system that was installed before the operative date of additional or amended performance specifications may remain in use subject to the requirements of Section 18.

2.4.1 The effective and operative dates of adoption for all performance standards and specifications contained herein are specified in Table 2-1.

2.4.2 The operative dates of performance standards shall be the effective date of adoption of amended or additional performance standards, except as otherwise specified in Table 2-1. Certifications shall terminate on the operative date of amended or additional performance standards unless the Executive Officer determines that the system meets the amended or additional performance standards or specifications. Upon the operative date of the amended or additional performance standards, only systems complying with the amended or additional performance standards may be installed.

2.4.3 The operative dates of performance specifications are listed in Table 2-1. As of the operative date of amended or additional performance specifications, only systems complying with the amended or additional performance specifications may be installed.

2.4.4 When the Executive Officer determines that no Standing Loss Control, Phase I, or Phase II system has been certified or will not be commercially available by the operative dates specified in Table 2-1 of CP-206, the Executive Officer shall extend the operative date and may extend the effective date of amended or additional performance standards or specifications. If there is only one certified system to meet amended or additional standards, that system is considered to be commercially available if that system can be shipped within eight weeks of the receipt of an order by the equipment manufacturer.

2.4.5 <u>Any performance standard or specification with an effective date of January 1, 2012 or later shall become effective on the date when the first system is</u>

certified to meet the performance standard or specification. The Executive Officer shall maintain, and make available to the public, a current list of effective and operative dates for all standards and specifications.

2.4.~~5~~6 The Executive Officer may determine that a system certified prior to the operative date meets the amended or additional performance standards or specifications. In determining whether a previously certified system conforms to any additional or amended performance standards, specifications or other requirements adopted subsequent to certification of the system, the Executive Officer may consider any appropriate information, including data obtained in the previous certification testing of the system in lieu of new testing.

2.4.~~6~~7 Gasoline Dispensing Facilities in districts that ARB determines are in attainment with the state standard for Ozone are exempted from the Enhanced Vapor Recovery performance standards and specifications set forth in Sections 3 through 10 inclusive, with the exception of the requirement for compatibility with vehicles that are equipped with Onboard Refueling Vapor Recovery (ORVR) systems as specified in subsections 5.4. New GDFs, and those undergoing major modifications, are not exempt. If exempt facilities become subject to additional standards due to a subsequent reclassification of their district such that the district is no longer in attainment, the facilities will have four years to comply.

~~**2.4.10 Any person can petition the Executive Officer for an engineering evaluation to determine whether the first system certified to meet a standard or specification cannot be installed and/or operated, or is otherwise incompatible with a specific type or subgroup of GDF. The petitioner shall submit the following information to the Executive Officer:**~~

~~**g) The Executive Order and specific EVR component(s) that is claimed to be incompatible,**~~
~~**h) The specific type or subgroup of GDF that is claimed to be incompatible with the specified EVR component(s),**~~
~~**i) A detailed technical explanation of the claimed incompatibility, supported by test data if applicable,**~~
~~**j) An estimate of how many GDFs in California are subject to the claimed incompatibility,**~~
~~**k) An estimate of the cost to modify a typical GDF of the affected type or subgroup so that it would no longer be subject to the claimed incompatibility.**~~
~~**l) Any other information that the Executive Officer deems reasonable and necessary in conducting the engineering evaluation.**~~

~~**The Executive Officer shall conduct an engineering evaluation and if incompatibility is found, the Executive Officer shall issue an executive order stating the incompatibility between the certified system and the GDF type or subgroup which was the subject of the evaluation. In this event, such GDF type or subgroup is not subject to the standard or**~~

~~**specification until such date when the first system is certified that is compatible with that GDF type or subgroup. This provision applies to any standard or specification with an effective date on or after January 1, 2012.**~~

2.5 Reference to CP-201

This procedure refers to applicable performance standards and specifications of CP-201, Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities as incorporated by reference into title 17, CCR section 94011. For the purpose of this procedure the term CP-201 shall mean the last adopted or amended version of CP-201 at the time that an Executive Order under CP-206 is issued.

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ATTACHMENT 2

EXECUTIVE ORDERS DELAYING EFFECTIVE DATES FOR CERTAIN GDF TYPES

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-70-210

Modification of the Operative and Effective Dates Relating to the Finding that EVR Phase II Vapor Recovery Systems and In-Station Diagnostics Are Not Certified for Use with Gasoline Dispensing Facilities at which the Underground Gasoline Storage Systems Serve as Bulk Plants
(*Gasoline Dispensing Facilities at Bulk Plants)*

WHEREAS, the California Air Resources Board (ARB) has established, pursuant to California Health and Safety Code sections 25290.1.2, 39600, 39601 and 41954, certification procedures for systems designed for the control of gasoline vapor emissions during motor vehicle fueling operations (Phase II EVR vapor recovery systems) in its CP-201, ***Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities*** (Certification Procedure) as last amended May 25, 2006, incorporated by reference in title 17, California Code of Regulations, section 94011;

WHEREAS, ARB has established, pursuant to California Health and Safety Code sections 39600, 39601, 39607, and 41954, certification procedures for systems designed for the control of gasoline vapor emissions during the transfer of fuel between bulk plants and cargo tanks in its CP-202, ***Certification Procedure for Vapor Recovery Systems of Bulk Plants*** as last amended March 17, 1999, incorporated by reference in title 17, California Code of Regulations, section 94012;

WHEREAS, ARB has determined, after consulting with industry and local Air Quality Management Districts, that there are a number of *Gasoline Dispensing Facilities* at *Bulk Plants* as those terms are defined in D-200 ***Definitions for Vapor Recovery Procedures*** as last amended on May 25, 2006, incorporated by reference in title 17, California Code of Regulations, section 94010;

WHEREAS, *Gasoline Dispensing Facilities* at *Bulk Plants* are subject to the performance standards specified in CP-201, which includes the EVR Phase II standards and In-Station Diagnostics, for the portion of the facilities that fuels motor vehicle fuel tanks;

WHEREAS, section 2.4.4 of CP-201 allows the Executive Officer to change the operative and effective dates of new performance standards and specifications when EVR Phase II systems meeting the applicable standards and specifications are not certified by the operative dates specified in Table 2-1 of CP-201;

WHEREAS, a vapor recovery system that meets the EVR Phase II standards and specifications, including In-Station Diagnostics, was not certified for use on

Gasoline Dispensing Facilities at *Bulk Plants* by the operative date in Table 2-1 of CP-201 and;

WHEREAS, a vapor recovery system that meets the EVR Phase II standards and specifications, including In-Station Diagnostics, is anticipated to be certified for use on *Gasoline Dispensing Facilities* at *Bulk Plants* by April 1, 2010.

NOW, THEREFORE, IT IS ORDERED that *Gasoline Dispensing Facilities* at *Bulk Plants* may continue to operate or be installed with vapor recovery systems that have been certified by ARB prior to the operative dates specified in CP-201 Table 2-1 until April 1, 2011.

Executed at Sacramento, California, this 13 day of June 2008.

James N. Goldstene
Executive Officer

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-70-215

Modification of the Operative and Effective Dates Relating to the Finding that EVR Phase II Vapor Recovery Systems and In-Station Diagnostics (ISD) Are Not Certified for Use with Gasoline Dispensing Facilities at which the Underground Gasoline Storage Systems Serve as Bulk Plants
(*Gasoline Dispensing Facilities at Bulk Plants)*

WHEREAS, the California Air Resources Board (ARB) has established, pursuant to California Health and Safety Code sections 25290.1.2, 39600, 39601 and 41954, certification procedures for systems designed for the control of gasoline vapor emissions during motor vehicle fueling operations (Phase II EVR vapor recovery systems) in its CP-201, ***Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities*** (Certification Procedure) as last amended May 25, 2006, incorporated by reference in title 17, California Code of Regulations, section 94011;

WHEREAS, ARB has established, pursuant to California Health and Safety Code sections 39600, 39601, 39607, and 41954, certification procedures for systems designed for the control of gasoline vapor emissions during the transfer of fuel between bulk plants and cargo tanks in its CP-202, ***Certification Procedure for Vapor Recovery Systems of Bulk Plants*** as last amended March 17, 1999, incorporated by reference in title 17, California Code of Regulations, section 94012;

WHEREAS, ARB has determined, after consulting with industry and local Air Quality Management Districts, that there are a number of *Gasoline Dispensing Facilities* at *Bulk Plants* as those terms are defined in D-200 ***Definitions for Vapor Recovery Procedures*** as last amended on May 2, 2008, incorporated by reference in title 17, California Code of Regulations, section 94010;

WHEREAS, *Gasoline Dispensing Facilities* at *Bulk Plants* are subject to the performance standards specified in CP-201, which includes the EVR Phase II standards and ISD, for the portion of the facilities that fuels motor vehicle fuel tanks;

WHEREAS, section 2.4.4 of CP-201 allows the Executive Officer to change the operative and effective dates of new performance standards and specifications when EVR Phase II systems meeting the applicable standards and specifications are not certified by the operative dates specified in Table 2-1 of CP-201;

WHEREAS, a vapor recovery system that meets the EVR Phase II standards and specifications, including ISD, was not certified for use on *Gasoline Dispensing Facilities* at *Bulk Plants* by the operative date in Table 2-1 of CP-201 and;

WHEREAS, a vapor recovery system that meets the EVR Phase II standards and specifications, including ISD, is anticipated to be certified for use on *Gasoline Dispensing Facilities* at *Bulk Plants* by April 1, 2014.

NOW, THEREFORE, IT IS ORDERED that *Gasoline Dispensing Facilities* at *Bulk Plants* may continue to operate or be installed with vapor recovery systems that have been certified by ARB prior to the operative dates specified in CP-201 Table 2-1 until April 1, 2015.

Executed at Sacramento, California, this 28 day of February 2011.

James N. Goldstene
Executive Officer

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-70-211

Modification of the Operative and Effective Dates Relating to the Finding that EVR Phase II Vapor Recovery Systems, Including In-Station Diagnostics, Are Not Certified for Use with Gasoline Dispensing Facilities that Include Liquid Condensate Traps

WHEREAS, the California Air Resources Board (ARB) has established, pursuant to California Health and Safety Code sections 25290.1.2, 39600, 39601 and 41954, certification procedures for systems designed for the control of gasoline vapor emissions during motor vehicle fueling operations (Phase II EVR vapor recovery systems) in its CP-201, ***Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities*** (Certification Procedure) as last amended May 25, 2006, incorporated by reference in title 17, California Code of Regulations, section 94011;

WHEREAS, ARB has determined, after consulting with industry and local Air Quality Management Districts, that there are a number of gasoline dispensing facilities throughout California that include *Liquid Condensate Traps,* as the term is defined in D-200 ***Definitions for Vapor Recovery Procedures*** as last amended on May 25, 2006, incorporated by reference in title 17, California Code of Regulations, section 94010;

WHEREAS, section 2.4.4 of CP-201 allows the Executive Officer to change the operative and effective dates of new performance standards and specifications when certified systems meeting the applicable standards and specifications are not certified by the operative dates specified in Table 2-1 of CP-201;

WHEREAS, a vapor recovery system that meets the EVR Phase II standards and specifications, including In-Station Diagnostics, was not certified for use on gasoline dispensing facilities that include liquid condensate traps by the operative date in Table 2-1 of CP-201;

WHEREAS, a vapor recovery system that meets the EVR Phase II standards and specifications, including In-Station Diagnostics, is anticipated to be certified for use on gasoline dispensing facilities that include liquid condensate traps by April 1, 2009 and;

WHEREAS, gasoline dispensing facilities that include condensate traps will not have sufficient time to comply with the operative dates for EVR Phase II and in-station diagnostics as specified in Table 2-1 of CP-201.

NOW, THEREFORE, IT IS HEREBY ORDERED that Phase II vapor recovery systems that have been certified to be Onboard Refueling Vapor Recovery (ORVR) compatible may continue to be used on gasoline dispensing facilities that include liquid condensate traps until April 1, 2010.

IT IS FURTHER ORDERED that gasoline dispensing facilities that include liquid condensate traps, and that dispense greater than 1,800,000 gallons per year may continue to operate without In-Station Diagnostics until April 1, 2010.

Executed at Sacramento, California, this 13 day of June 2008.

James N. Goldstene
Executive Officer

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-70-212

Modification of the Operative and Effective Dates Relating to the Finding that EVR Phase II Vapor Recovery Systems, Including In-Station Diagnostics, Are Not Certified for Use on Dispensing Facilities that Refuel Vehicles with a Fuel Blend of 85 Percent Ethanol and 15 Percent Gasoline (E85)

WHEREAS, the California Air Resources Board (ARB) has established, pursuant to California Health and Safety Code sections 25290.1.2, 39600, 39601 and 41954, certification procedures for systems designed for the control of gasoline vapor emissions during motor vehicle fueling operations (Phase II EVR vapor recovery systems) in its CP-201, ***Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities*** (Certification Procedure) as last amended May 25, 2006, incorporated by reference in title 17, California Code of Regulations, section 94011;

WHEREAS, ARB has determined, after consulting with industry and local air quality management and air pollution control districts (districts), that the number of E85 (85 percent ethanol and 15 percent gasoline) dispensing facilities will increase throughout California;

WHEREAS, ARB has determined, E85 fuel is considered gasoline as the term is defined in D-200 ***Definitions for Vapor Recovery Procedures*** as last amended on May 25, 2006, incorporated by reference in title 17, California Code of Regulations, section 94010;

WHEREAS, District vapor recovery rules and regulations may require the use of Phase II vapor recovery systems at gasoline dispensing facilities, including those dispensing E85;

WHEREAS, section 2.4.4 of CP-201 allows the Executive Officer to change the operative and effective dates of new performance standards and specifications when certified systems meeting the applicable standards and specifications are not certified by the operative dates specified in Table 2-1 of CP-201;

WHEREAS, a vapor recovery system that meets the Phase II standards and specifications, including In-Station Diagnostics, was not certified for use on E85 dispensing facilities by the operative date in Table 2-1 of CP-201; and

WHEREAS, ARB and the U.S. Environmental Protection Agency have issued guidance letters authorizing districts to amend their rules to exempt E85 dispensing facilities from Phase II vapor recovery requirements because such

facilities are expected to refuel vehicle fleets where 95 percent of the vehicles are equipped with on-board refueling vapor recovery (ORVR), a vehicle based system.

NOW, THEREFORE, IT IS HEREBY ORDERED that E85 dispensing facilities may continue to operate without Phase II vapor recovery until such time as ARB may certify Phase II vapor recovery systems for use with E85.

Executed at Sacramento, California, this 16th day of July 2008.

James N. Goldstene
Executive Officer