

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-02-040

Relating to Public Hearing to Consider Adoption and Amendment to the Vapor Recovery Certification and Test Procedure Regulations for Vapor Recovery

WHEREAS, on October 25, 2001, the Air Resources Board (ARB or Board) conducted a public hearing to consider the proposed adoption and amendment of the regulations for the certification and testing of vapor recovery systems installed at gasoline dispensing facilities;

WHEREAS, following the public hearing on October 25, 2001, the Board adopted Resolution 01-48, in which the Board approved amendments with modifications to sections 94010, 94011, 94153, 94155 and 94163, title 17, California Code of Regulations (CCR) and the procedures incorporated by reference thereto; and approved the adoption with modifications of new sections 94164 and 94165, title 17, CCR, and the procedures incorporated by reference thereto;

WHEREAS, in Resolution 01-48, the Board directed the Executive Officer to incorporate into the approved regulations the modifications directed, with such other conforming modifications as might be appropriate, and then to adopt the modified regulations, after making the modified regulatory language available for public comment for a period of at least 15 days, provided that the Executive Officer considered such written comments regarding the modified text as might be submitted during this period, made modifications as appropriate in light of the comments received, and presented the regulations to the Board for further consideration if warranted;

WHEREAS, on March 22, 2002, the modified regulations, reflecting the regulations as approved by the Board with other changes made to best reflect the intent of the Board at the hearing, were made available for a public comment for a period of 30 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44; and

WHEREAS, written comments were received during the comment period for the modified regulations and those comments have been considered by the Executive Officer.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 01-48 be incorporated by reference herein.

IT IS FURTHER ORDERED in accordance with Resolution 01-48, the amendments to sections 94010, 94011, 94153, 94155 and 94163, title 17, California Code of Regulations (CCR) and the procedures incorporated by reference thereto; and the adoption of new sections 94164 and 94165, title 17, CCR, and the procedures incorporated by reference thereto, be adopted as set forth in Attachment 1 hereto.

Executed this _____ day of _____, 2002, at Sacramento, California.

Michael P. Kenny
Executive Officer

Attachment