Draft Language for 4-year Clock in CP-206
01/29/2010

2.4.5 If the first Standing Loss Control, Phase I, or Phase II system certified to meet an applicable performance standard or specification is certified after the current effective date for that standard or specification, the effective date for that standard or specification shall be the certification date of the first system. This provision supersedes all other effective dates established elsewhere in this Certification Procedure. The Executive Officer shall maintain, and make available to the public, a current list of effective and operative dates for all standards and specifications.

2.4.8 Based on an engineering evaluation, the Executive Officer may determine that the first Standing Loss Control, Phase I, or Phase II system certified to meet an applicable standard or specification cannot be installed and/or operated on a specific type or subgroup of GDF. In this event, the Executive Officer shall amend the effective date to be the date that a system is certified that is applicable to the specific type or subgroup.

The following shows the above language as it is inserted in Section 2 of CP-206. The new additions are shown by underlining.

2. PERFORMANCE STANDARDS AND SPECIFICATIONS

[NOTE: The following changes in effective and operative dates were made to be consistent with Executive Order G-70-213-B that was issued on December 21, 2009.]

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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	April 1, 2009	April 1, 2009
All Phase I Standards and Specifications	As specified in Table 4-1	4	July 1, 2010	July 1, 2010
ORVR Compatibility(1)	As specified in Section 5.4	5.4	January 1, 2012	January 1, 2012
Nozzle Criteria	Post Refueling Drips: ≤ 3 drops/refueling	5.7	January 1, 2012	January 1, 2012
Liquid Retention Nozzle Spitting	≤ 100 ml/1,000 gals. ≤ 1.0 ml/nozzle/fueling	5.8	January 1, 2012	January 1, 2012
Spillage (including drips from spout)	≤ 0.24 pounds/1,000 gals dispensed	5.3	January 1, 2012	January 1, 2012
In-Station Diagnostics (ISD)	For GDF > 600,000gal/yr.(2)	10	January 1, 2012	January 1, 2012
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, 2012	January 1, 2012

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(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.

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 If the first Standing Loss Control, Phase I, or Phase II system certified to meet an applicable performance standard or specification is certified after the current effective date for that standard or specification, the effective date for that standard or specification shall be the certification date of the first system. This provision supersedes all other effective dates established elsewhere in this Certification Procedure. The Executive Officer shall maintain, and make available to the public, a current list of effective and operative dates for all standards and specifications.

2.4.6 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

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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.

2.4.7 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.

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2.4.8 Based on an engineering evaluation, the Executive Officer may determine that the first Standing Loss Control, Phase I, or Phase II system certified to meet an applicable standard or specification cannot be installed and/or operated on a specific type or subgroup of GDF. In this event, the Executive Officer shall amend the effective date to be the date that a system is certified that is applicable to the specific type or subgroup.

2.4 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