



Winston H. Hickox
Agency Secretary

Air Resources Board

Alan C. Lloyd, Ph.D.
Chairman

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Gray Davis
Governor

LETTER EXPLAINS INTENT OF G-70-198 – THE EXECUTIVE ORDER IS ATTACHED

September 19, 2001

Ms. Rosa Salcedo
Chair, CAPCOA Vapor Recovery Technical Committee
San Diego County Air Pollution Control District
9150 Chesapeake Drive
San Diego, California 92123-1096

Dear Ms. Salcedo:

I am writing to clarify the intent of Executive Order G-70-198: Continued Use of Vapor Recovery Systems for which Certification is Terminated by the Adoption of New Standards. This Executive Order was prepared to assist states and other entities outside California that reference our vapor recovery regulations.

As you are aware, Health and Safety Code section 41956.1(a) provides that whenever ARB revises vapor recovery performance or certification standards, any systems installed prior to the effective date of the revised standards may continue to be used for a period of four years. We commonly refer to this grandfather period as the “4-year clock.” If we did not have this provision, then all facilities would need to comply with the revised standards immediately upon the effective or operative date of the revised standard.

During development of the Enhanced Vapor Recovery Regulations (EVR), we learned that most other states and countries that reference California vapor recovery regulations do not reference the “4-year clock” provision. Many states and petroleum marketers requested that ARB provide a mechanism to incorporate the “4-year clock” provision to allow an orderly implementation of the EVR standards outside California. We responded with Executive Order G-70-198 (enclosed), which orders that all the listed systems and components certified prior to the EVR amendments may continue to be used for the remainder of their useful life, or four years, whichever is shorter, as provided in Certification Procedure CP-201, section 20. (Note that the Executive Order contains an error, the correct reference is section 19 of CP-201.)

I hope that this clarification of the intent of G-70-198 is helpful. Please feel free to share this letter with the CAPCOA Vapor Recovery Technical Committee.

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>.

California Environmental Protection Agency

Ms. Rosa Salcedo
September 19, 2001
Page 2

If you have questions, please contact Cindy Castronovo at (916) 322-8957 or email at ccastron@arb.ca.gov or Diane Johnston of our Office of Legal Affairs at (916) 323-9609 or email at djohnsto@arb.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "George Lew". The signature is written in a cursive style with a large initial "G".

George Lew, Chief
Engineering and Certification Branch
Monitoring and Laboratory Division

Enclosure

cc: Diane Johnston, OLA

**State of California
AIR RESOURCES BOARD**

Executive Order G-70-198

**CONTINUED USE OF VAPOR RECOVERY SYSTEMS FOR WHICH CERTIFICATION
IS TERMINATED BY THE ADOPTION OF NEW STANDARDS**

WHEREAS, the California Air Resources Board ("the Board" or "CARB") has established, pursuant to California Health and Safety Code sections 39600, 39601 and 41954, certification procedures for systems designed for the control of gasoline vapor emissions during motor vehicle fueling operations (Phase II vapor recovery systems) in its "Certification Procedure for Vapor Recovery Systems of Dispensing Facilities" (the "Certification Procedures") as adopted December 9, 1975, and as last amended June 1, 2001, incorporated by reference in title 17, California Code of Regulations, section 94011;

WHEREAS, the Board has established, pursuant to California Health and Safety Code sections 39600, 39601 and 41954, test procedures for determining the compliance of Phase II vapor recovery systems with emission standards in its "Certification Procedure for Vapor Recovery Systems of Dispensing Facilities" (the "Test Procedures") as adopted April 12, 1996, and as last amended February 1, 2001, incorporated by reference in Title 17, California Code of Regulations, Section 94011;

WHEREAS, California Health and Safety Code section 41956.1 provides that whenever the Board revises performance or certification standards, any system or any system components certified under procedures in effect prior to the adoption of revised standards and installed prior to the effective date of the revised standards may continue to be used in gasoline marketing operations for a period of four years after the effective date of the revised standards;

WHEREAS, the Executive Officer has granted certification to systems and components pursuant to the Certification Procedures and Test Procedures in effect at the time of their issuance to:

Number	Description (Phase I Vapor Recovery Certification Systems)	Date
G-70-2-G	Relating to the Modification of the Certification of the OPW Model A-7 2 Point Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	9/14/84
G-70-4-A	Relating to the Modification of the Certification of the EMCO-Wheaton Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	8/23/77

Number	Description (Phase I Vapor Recovery Certification Systems)	Date
G-70-5	Relating to the Certification of the Parker Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	5/6/93
G-70-6	Relating to the Certification System of the OPW System Y Type 2, Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	4/26/77
G-70-8	Relating to the Certification of the Chevron Vapor Recovery Transfer System for Use on Delivery Tanks	7/13/77
G-70-9-A	Relating to the Modification of the Certification of the "Teed" Vapor Recovery System for Existing Underground Storage Facilities with Throughputs less than 9,000 Gallons per Month	11/18/77
G-70-10-A	Relating to the Modification of the Certification of the Vapor Recovery System for Delivery Tanks Equipped for Bottom Loading	11/18/77
G-70-20	Relating to the Modification of the Certification of the Texaco Phase I Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	8/21/78
G-70-34-A	Relating to the Modification of the Certification of the Parker Hannifin F428 Vapor Recovery Adapter for Military Delivery Tanks To Include the Parker Hannifin F428A	8/13/79
G-70-47-B	Relating to the Modification of the Certification of the OPW Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	9/14/84
G-70-50	Relating to the Certification of the Vapor Recovery Kit for M857, M967, M969, and M970 Military Delivery Tanks	12/5/79
G-70-97-A	Stage I Vapor Recovery Systems for Underground Gasoline Tanks at Service Stations	12/9/85
G-70-102-A	Certification of a Phase I Vapor Recovery System for Aboveground Storage Tanks with less than 40,000 Gallons Capacity for Gasoline or Gasoline/Methanol Blended Fuels	5/25/93
G-70-106	Relating to the Adoption of the "Test Procedure Gasoline Cargo Tanks" as an Equivalent Method for the Year-round Performance Standards for Gasoline Cargo Tanks	1/27/86

Number	Description (Phase II Vapor Recovery Certification Systems)	Date
G-70-7-AD	Certification of the Hasstech Model VCP-2 and VCP-2A Phase II Vapor Recovery System	3/22/93
G-70-14-AA	Recertification of the Red Jacket Aspirator Assist Phase II Vapor Recovery System	2/8/83
G-70-17-AD	Modification of Certification of the EMCO-Wheaton Balance Phase II Vapor Recovery System	5/6/93
G-70-18-C	Modification of Certification of the Shell Model 75B1 and 75B1-R3 Service Station Phase II Vapor Recovery System	8/28/79
G-70-23-AC	Recertification of the Exxon Balance Phase II Vapor Recovery System	4/29/96
G-70-25-AA	Recertification of the Atlantic Richfield Balance Phase II Vapor Recovery System	2/8/83
G-70-33-AB	Certification of the Modified Hirt VCS-200 Vacuum Assist Phase II Vapor Recovery System	3/9/84
G-70-36-AD	Modification Of the Certification of the OPW Balance Phase II Vapor Recovery System	9/18/92
G-70-37-B	Modification of the Certification of the Chevron Balance Phase II Vapor Recovery System with OPW nozzles for Service	1/22/80
G-70-38-AB	Recertification of the Texaco Balance Phase II Vapor Recovery System	12/19/90
G-70-48-AA	Recertification of the Mobile Oil Balance Phase II Vapor Recovery System	2/8/83
G-70-49-AA	Recertification of the Union Balance Phase II Vapor Recovery System	2/8/83
G-70-52-AM	Certification of Components for Red Jacket, Hirt, and Balance Phase II Vapor Recovery System	10/4/91
G-70-53-AA	Recertification of the Chevron Balance Phase II Vapor Recovery System for Service Stations	2/8/83
G-70-70-AC	Certification of the Healy Phase II Vapor Recovery System for Service Stations	6/23/92
G-70-77	Certification of the OPW Repair/Replacement Parts and Modification of the Certification of the OPW Balance Phase II Vapor Recovery System	9/15/82
G-70-78	Certification of the E-Z Flo Nozzle Company Rebuilt Vapor Recovery Nozzles and Vapor Recovery Components	5/20/83
G-70-101-B	Certification of the E-Z Flo Model 3006 and 3007 Vapor Recovery Nozzles and Use of E-Z Flo Components with OPW Models 11 VC and 11 VE Vapor Recovery Nozzles	11/15/85
G-70-107	Certification of Rainbow Petroleum Products Model RA3003, RA3005, and RA3007 Vapor Recovery Nozzles and Vapor Recovery Components	5/15/86

Number	Description (Phase II Vapor Recovery Systems)	Date
G-70-110	Certification for Stage I and II Vapor Recovery Systems for Methanol Fueling Facilities	1/20/87
G-70-118-AB	Certification of the Amoco V-1 Vapor Recovery System	3/31/95
G-70-125-AA	Modification of the Certification of the Husky Model V Phase II Balance Vapor Recovery Nozzle	3/16/93
G-70-127	Certification of the OPW Model 111-V Phase Vapor Recovery System	8/16/90
G-70-134	Certification of the EZ Flo Rebuilt A-4000 Series and 11V-Series Vapor Recovery Nozzle	12/21/90
G-70-139	Addition to the Certification of the Hirt Model VCS-200 Phase II Vapor Recovery System	3/17/92
G-70-147-A	Certification of the New United Motors Manufacturing, Incorporated Phase II Vapor Recovery System at the Fremont, California Assembly Plant	7/11/96
G-70-150-AE	Modification of the Certification of the Marconi Commerce Systems Inc. (MCS) "Formerly Gilbarco" VaporVac Phase II Vapor Recovery System	7/12/00
G-70-153-AD	Modification to the Certification of the Dresser/Wayne WayneVac Phase II Vapor Recovery System	4/3/00
G-70-154-AA	Modification to the Certification of the Tokheim MaxVac Phase II Vapor Recovery System	6/10/97
G-70-159-AB	Modification to the Certification of the Saber Nozzle for Use with Gilbarco VaporVac Phase II Vapor Recovery System	7/17/95
G-70-163-AA	Certification of the OPW VaporEZ Phase II Vapor Recovery System	9/4/96
G-70-164-AA	Modification to Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System	12/10/96
G-70-165	Healy Vacuum Assist Phase II Vapor Recovery System	4/20/95
G-70-169-AA	Modification to the Certification of the Franklin Electric INTELLIVAC Phase II Vapor Recovery System	8/11/97
G-70-170	Certification of the EZ Flo Rebuilt 5005 and 5015 Nozzles for use with the Balance Phase II Vapor Recovery System	2/22/96
G-70-177-AA	Modification to the Certification of the Hirt VCS400-7 Vacuum Assist Phase II Vapor Recovery System	6/22/00
G-70-179	Certification of the Catlow ICVN-V1 Vacuum Assist Phase II Vapor Recovery System	7/2/97
G-70-180	Order Revoking Certification of Healy Phase II Vapor Recovery Systems for Gasoline Dispensing Facilities	4/17/97
G-70-183	Certification of the Healy/Franklin Vacuum Assist Phase II Vapor Recovery System	3/4/98

Number	Description (Phase II Vapor Recovery Systems)	Date
G-70-186	Certification of the Healy Model 400 ORVR Vapor Recovery System	10/26/98
G-70-188	Certification of the Catlow ICVN Vapor Recovery Nozzle System for use with the Gilbarco VaporVac Vapor Recovery System	5/18/99
G-70-191	Certification of the Healy Model 600 ORVR/800 Nozzle with the Healy/Franklin VP-1000 Vapor Pump Phase II Vapor Recovery System (Healy ORVR Phase II Vapor Recovery System)	8/8/99
G-70-196	Certification of the Saber Technologies, LLC SaberVac VR Phase II Vapor Recovery System	12/30/00

WHEREAS, the above listed systems and components were not certified pursuant to the Certification Procedures and Test Procedures as last amended June 1, 2001.

IT IS ORDERED that any above listed systems and components that were installed as of the effective date of the adoption of the new standards in the Certification Procedures, as provided in Certification Procedure CP-201 section 2, Table 2-1, may remain in use for the remainder of the useful life or four years, whichever is shorter, as provided in Certification Procedure CP-201 section 20.

Executed at Sacramento, California, this 4th day of June, 2001.



Michael P. Kenny
Executive Officer