

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 16<sup>th</sup> day of July 2008.



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James N. Goldstene  
Executive Officer