



Alan C. Lloyd, Ph.D.  
Agency Secretary

JUN 30 2005

# State Water Resources Control Board

## Executive Office

Arthur G. Baggett Jr., Chair  
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Arnold Schwarzenegger  
Governor

Mr. Phillip E. Smith  
Phil-Tite Enterprises  
3732 Electro Way  
Redding, CA 96002

Dear Mr. Smith:

### PHIL-TITE ENTERPRISES, PHASE I ENHANCED VAPOR RECOVERY (EVR) SYSTEM

As you know, Assembly Bill 2955 (Statutes 2004, Chapter 649) added a provision to the Health and Safety Code (H&SC), Chapter 6.7, section 25290.1.2(a). This section requires the Air Resources Board (ARB) and State Water Resources Control Board (State Water Board) to determine collaboratively, to the best of their knowledge and using existing resources, that equipment meeting the ARB's Enhanced Vapor Recovery (EVR) requirements also meets UST statutory requirements.

On June 27, 2005 we received on your behalf the enclosed signed statement by a California Professional Engineer. Based on this statement and the information that Phil-Tite provided to us, we have found no evidence that the Phil-Tite Phase I EVR, 85000-1 series spill container conflicts with H&SC Chapter 6.7. This determination assumes the spill container is installed in accordance with applicable ARB Executive Orders and in accordance with manufacturer's instructions, as required by State Water Board regulations. Therefore, pursuant to H&SC section 25290.1.2(a) the State Water Board certifies that, to the best of our knowledge, the Phil-Tite Phase I EVR, 85000-1 series spill container meets the requirements of H&SC Chapter 6.7.

If you have questions regarding this letter, please contact Raed Mahdi at (916) 341-5871, or by email at [rmahdi@waterboards.ca.gov](mailto:rmahdi@waterboards.ca.gov).

Sincerely,

Celeste Cantú  
Executive Director

cc: See next page.

Mr. Phillip E. Smith

- 2 -

JUN 30 2005

cc: Catherine Witherspoon  
Executive Officer  
Air Resources Board  
1001 I Street  
Sacramento, CA 95814

Don Johnson  
Assistant Secretary  
Cal/EPA  
1001 I Street  
Sacramento, CA 95814

*California Environmental Protection Agency*

Appendix


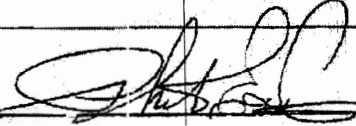
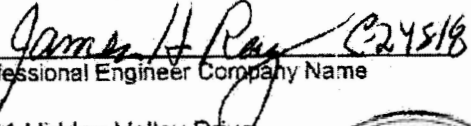
Certification Statement for the PHIL-TITE PHASE I EVR System<sup>1</sup>

Based on a careful review and analysis, I hereby certify that the PHIL-TITE PHASE I EVR System, which is under consideration for California Air Resources Board (ARB) certification, meets the requirements of Chapter 6.7 of the California Health and Safety Code (the State Water Resources Control Board's underground storage tank requirements, including enhanced leak detection and continuous vacuum, pressure, or hydrostatic monitoring.)<sup>2</sup>

The PHIL-TITE PHASE I EVR System warranty is valid as long as the system is installed, operated, and maintained according to manufacturer's instructions and in a manner that does not exceed the limitations (e.g., tank capacity, fueling points, throughputs, etc.) described below.

Limitations:

See the provisions in the attached PHIL-TITE PHASE I EVR Product Warranty

|   |                      |  |                      |
|---|----------------------|--|----------------------|
|    | <u>June 28, 2005</u> |  | <u>June 27, 2005</u> |
| Signed by<br>(California Professional Engineer)   | Date                 | Signed by<br>(Company Representative)  | Date                 |
| <u>James H. Ray</u><br>Printed Name (California Professional Engineer)  |                      | <u>Phillip E. Smith</u><br>Printed Name (Company Representative)                   |                      |
|  C24518<br>Professional Engineer Company Name |                      | <u>PHIL-TITE</u><br>Equipment Manufacturer Name                                    |                      |
| <u>2041 Hidden Valley Drive</u><br>Mailing Address  |                      | <u>3732 Electro Way</u><br>Mailing Address   |                      |
| <u>Santa Rosa, CA 95404</u><br>City, State, Zip Code  |                      | <u>Redding, CA 96002</u><br>City, State, Zip Code                                  |                      |
| <u>707 480 8115</u><br>Phone Number   |                      | <u>530 223 7400</u><br>Phone Number  |                      |
| <u>jhray@sbcglobal.net</u><br>Email   |                      | <u>phil-tite@msr.com or stanb@phil-tite.com</u><br>Email                           |                      |



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<sup>1</sup> This certification statement is part of the guidelines developed by the California Air Resources Board (ARB) and State Water Resources Control Board (State Water Board) to implement provisions of Assembly Bill 2955 (Statutes 2004, Chapter 649: McCarthy).

<sup>2</sup> This certification is based on the presumption that the PHIL-TITE PHASE I EVR System is constructed, installed, maintained, and operated in accordance with all applicable requirements of Chapter 6.7 of California Health and Safety Code and Chapter 16 of California Code of Regulations.