



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Quality

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Arnold Schwarzenegger
Governor

June 26, 2008

Mr. Allan Busch
Franklin Fueling Systems
3760 Marsh Road
Madison, WI 53718

Dear Mr. Busch:

EVALUATION OF PHIL-TITE PHASE I EVR SYSTEM FOR E85 FUEL (VR 101-J)

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

The current Phil-Tite Phase I EVR system has been reviewed by the State Water Board on two occasions for requested equipment modifications. During each of those reviews, it was determined that the Phil-Tite Phase I EVR system does not conflict with UST statutory requirements¹. On March 12, 2008, you requested that the State Water Board review proposed modifications to the Phil-Tite Phase I EVR system. We have reviewed the information you submitted, and have determined that the Phil-Tite Phase I EVR system for use with E85 fuel is substantially the same as the current Phil-Tite Phase I EVR system. Based on the documentation you have provided, it appears that the only changes you have proposed are the use of new materials and coatings to make certain components of the Phil-Tite Phase I EVR system compatible with E85 fuel.

Because there are no proposed changes to the installation procedures, component layout, or function of the system that has already been reviewed and approved by the State Water Board, the determination letters previously issued for the Phil-Tite Phase EVR system can be applied to the newly proposed "E85" version as well.

Refer to previous determination letters from the State Water Board to Franklin Fueling Systems/Phil-Tite, dated June 30, 2005, and November 13, 2006, which are available online at http://www.waterboards.ca.gov/ust/leak_prevention/evr_determination_letters.html

California Environmental Protection Agency

If you have questions regarding this letter, please contact Ms. Laura Chaddock of my staff at (916) 341-5870, or by email at lochaddock@waterboards.ca.gov .

Sincerely,



Darrin Polhemus, Deputy Director
Division of Water Quality

cc: Mr. George Lew, Chief
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