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*NEW YORK STATE DEC
ISSUES PRECEDENT SETTING
E85 ETHANOL WAIVER*

PRESS RELEASE

Rochester, N.Y., July 17, 2009 – Service Stations in New York State will no longer be required to use Stage II Vapor Recovery systems for E85 ethanol biofuels. After reviewing economic and environmental impact studies prepared by Bergmann Associates, the New York State Department of Environmental Conservation (NYSDEC) determined that the cost of requiring the vapor recovery nozzle system far outweighed any negligible emissions loss from pumping E85 biofuel. In fact, historically, Stage II Vapor Recovery equipment has not even been available from manufacturers. This decision recognizes the vast improvements in vehicle on-board recovery systems and is consistent with the EPA's guidance that stage II recovery is not required for E85 ethanol.

One important benefit is that these waivers will now allow service stations in Severe Ozone Non-Attainment areas to offer E85 ethanol for the first time. This in turn helps New York State comply with the Clean Air Act Amendments of 1990 and supports New York State Energy Research and Development Authority's (NYSERDA) goal of seeing biofuels dispensed in 300 service stations state-wide.

"This decision will likely serve as a precedent for other states to do away with stage II vapor recovery for E85 ethanol biofuel and open doors for many more service station operators to offer biofuels," said Charles Bertuch, Bergmann Associates' Project Engineer and author of the E85 economic and environmental study.

About Bergmann Associates

*Bergmann Associates is a progressive, forward-thinking engineering and architectural design firm with three decades of success providing multi-disciplinary services to clients throughout the United States. Headquartered in Rochester, NY, Bergmann has ten U.S. offices and 320 professional and technical staff featuring talented planners, architects, interior designers, landscape architects, programmers, developers, structural, civil, environmental, mechanical, electrical, and industrial engineers. – Our **People** and Our **Passion** in Every **Project**.*

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