



South Coast Air Quality Management District

PERMITTING ADVISORY

ATTN: Owners and operators of GASOLINE DISPENSING FACILITIES

January 24, 2024
Advisory No. 2024-01

Background

This permitting advisory is for owners and operators of gasoline dispensing facilities (GDFs) seeking new or modified Permits to Construct/Operate from the South Coast Air Quality Management District (South Coast AQMD). Due to the U.S. Department of Agriculture's ongoing [Higher Blends Infrastructure Incentive Program](#), South Coast AQMD has received and continues to receive a large number of applications for GDFs, including requests to modify or install equipment that dispenses gasoline or E-85 (ethanol-gasoline blends containing primarily ethanol intended for use in flex fuel vehicles) which are currently affecting typical GDF permitting timelines.

This advisory includes information on:

- Minimum application requirements;
- Reasons for rejection of a permit application;
- Potential causes for extended permit application processing times; and
- Additional helpful information for owner/operators of GDFs.

For more information, please visit South Coast AQMD's [Frequently Asked Questions](#) for Gasoline Dispensing Facilities. To stay up to date with issues related to GDF permits, visit South Coast AQMD's [Sign Up](#) page (<https://www.aqmd.gov/sign-up>) and select the Gasoline Dispensing Facility newsletter to receive periodic updates via Email.

Minimum Permit Application Requirements

A GDF permit application must be submitted for any of the following:

- Installation of new equipment
- Major modification¹ of existing equipment with valid Permit to Operate:
 - Modification of the Phase I system that involves the addition, replacement, or removal of an underground storage tank, or modification that causes the tank top to be unburied, is considered a major modification of the Phase I system

¹ As defined by California Air Resources Board's (CARB) [Vapor Recovery Definitions](#)



- Modification of the Phase II system that involves the addition, replacement or removal of 50 percent or more of the buried vapor piping, or 50 percent or more replacement of dispensers, is considered a major modification of the Phase II system

A modification application is not required to replace components certified under the CARB Executive Order specified in a GDF’s current valid permit (e.g., switching the In-Station Diagnostic console system or tank monitoring system from TLS 350 to TLS 450).

- Modification to monthly or annual fuel throughput limits

Please note that gasoline and E-85 storage and dispensing equipment are considered separate permit units. Therefore, a project might require multiple permit applications.

In some cases, the owner/operator of an existing GDF may have the need to reduce permitted gasoline throughput to allow for the desired E-85 throughput to remain within certain emission or health risk regulatory thresholds. This analysis should be done by the owner/operator prior to submitting permit applications. Note that pursuant to CARB Executive Orders [VR-101](#) and [VR-102](#), the maximum permissible E-85 throughput is 100,000 gallons per month.

Every application submittal must include the following supplemental forms and appropriate fees:

- Forms:
 - [400-A](#) (Application Form for Permit or Plan Approval)
 - [400-CEQA](#) (California Environmental Quality Act Applicability)
 - [400-PS](#) (Plot Plan and Stack Information Form) – stack information not needed
 - Must attach site plans/drawings
 - [400-E-11](#) (Fuel Dispensing and Storage Equipment)

Applications and supplemental forms may be mailed with accompanying payment to 21865 Copley Dr., Diamond Bar, CA 91765 - ATTN: Permit Services, or submitted via email to permitservicesonline@aqmd.gov and must include a copy of the payment confirmation receipt (see below).

- Fees:
 - Schedule A of [Rule 301](#), TABLE FEE RATE-A (Fiscal year 2023-24 fee rates are shown below. Please note that Rule 301 fees are typically updated annually on July 1 and the current fees at the time of permit application submittal should be included.)

Schedule	Non-Title V			Title V		
	Permit Processing	Change of Condition	Alteration/Modification	Permit Processing	Change of Condition	Alteration/Modification
A	\$2,216.65	\$1,154.61	\$2,216.65	\$2,777.67	\$1,446.83	\$2,777.67

- To pay the application processing fee, visit [Online Fee Payments](#) and select [Permit Application Processing Fee Portal](#)

Reasons for Rejection of Permit Application

An application will be rejected for any of the following reasons:

- Failure of owner/operator to sign Forms [400-A](#) or [400-CEQA](#) (consultant or other “authorized” party cannot sign for owner/operator unless notarized service agreement accompanies application package)
- Failure of owner/operator to pay appropriate fees or failure to submit evidence of such payment
- Failure of owner/operator or authorized representative to submit sufficient information to evaluate the permit application

Permit Application Processing Timelines

Although the majority of GDF permit applications are generally processed well before the [Rule 210](#) regulatory timeline of 180 days, there are factors which may cause the need for additional processing time, such as:

- Owner/operator changes project scope after permit applications are submitted
 - Changes may require new applications to be submitted which may restart permit processing timelines
- Owner/operator is not timely with responses to additional information requests
- Owner/operator fails to include site plan with Form [400-PS](#) (stack information not needed)
- Owner/operator fails to identify nearby schools on Form 400-A and sensitive receptors on Form [400-PS](#) (stack information not needed)
- Owner/operator fails to identify all gasoline and/or E-85 storage and dispensing equipment on Form [400-E-11](#) (South Coast AQMD requires complete forms to confirm that existing records comport to what exists on site at the time of application, therefore even if owner/operator seeks modification of a current permit, owner/operator must identify all gasoline and/or E-85 storage and dispensing equipment on Form [400-E-11](#); references such as “see current permit” are insufficient)
- A Tier 4 Health Risk Assessment is required for a requested gasoline and/or E-85 throughput
- [Rule 212](#) public notification is required due to a nearby school and/or emissions of toxic air contaminants
- [Emission reduction credits](#) are required to comply with [Regulation XIII – New Source Review](#) requirements

Additional Helpful Information

Please note the following:

- Owner/operator may request express permit processing by submitting [Form 400-XPP](#) (Express Permit Processing Request) and paying for such processing at time of application submittal. Note that express permit processing:
 - neither guarantees action by any specific date nor guarantees permit approval;

- is subject to availability of qualified staff; and
 - requires expedited fees and, once commenced, such fees will not be refunded.
- Owner/operator may authorize a third party to represent them via signed cover letter identifying the authorized party and their email address. Note that owner/operator nonetheless must sign Forms [400-A](#) and [400-CEQA](#). In addition, it is recommended that the owner/operator remain fully engaged during the entire permitting process.
- With rare exception, South Coast AQMD now permits GDFs via the two-step permitting process: a Permit to Construct is issued followed by verification/confirmation of the required vapor recovery test results before a Permit to Operate is issued.
- Permits to Construct must be obtained prior to modification of existing equipment or installation of new equipment and are valid for one year. An extension may be granted if owner/operator submits a written request prior to permit expiration, including reasons for extension request. To avoid enforcement action, if a Permit to Construct has expired and owner/operator wishes to continue with construction, owner/operator must submit a new permit application for:
 - An administrative change [[Rule 301](#) (c)(1)(A)(iv)], if the permit expired less than a year ago; or
 - A new installation/modification, if the permit expired more than a year ago.
- All GDF permits will include a monthly fuel throughput limit as required under [Rule 1313\(g\)](#). Exceedance of such limit can result in enforcement action.
- Upon receipt of an issued permit and to avoid enforcement action, owner/operator should ensure equipment description and referenced CARB Executive Orders match installed equipment.
- To track application progress, visit South Coast AQMD's [F.I.N.D.](#) page and search by facility ID or application number.
- Failure of owner/operator to promptly provide additional information will cause delays in permit processing and may result in permit denial.

Please call South Coast AQMD at 909-396-3396 if you have questions regarding this permitting advisory.