

**PETITION FOR VARIANCE
BEFORE THE HEARING BOARD OF THE
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

PETITIONER: BOOSTER FUELS, INC.

CASE NO: 6171-4

FACILITY ID: _____

FACILITY ADDRESS: **"VARIOUS LOCATIONS IN SOUTH COAST AQMD"**
(2345 Barranca Parkway, Tustin, CA 92782 – Tank Truck Yard)

[location of equipment/site of violation; specify business/corporate address, if different, under Item 2, below]

City, State, Zip: N/A

1. TYPE OF VARIANCE REQUESTED (more than one box may be checked; see Attachment A, Item 1, before selecting)

☐ INTERIM ☐ SHORT ☒ **REGULAR** ☐ EMERGENCY ☐ EX PARTE EMERGENCY

2. CONTACT: Name, title, company (if different than Petitioner), address, and phone number of persons authorized to receive notices regarding this Petition (no more than two authorized persons).

Oliver Browne

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[ALL DOCUMENTS FILED WITH CLERK'S OFFICE BECOME PUBLIC RECORD]

3. RECLAIM Permit ☐ Yes ☒ No Title V Permit ☐ Yes ☒ No

4. **GOOD CAUSE:** Explain why your petition was not filed in sufficient time to issue the required public notice. (Required only for Emergency and Interim Variances; see Attachment A, Item 4)

THE ISSUE: FIRE AGENCY APPROVAL REQUIRED DESPITE NO PROCEDURE TO OBTAIN SUCH APPROVALS

Booster Fuels, Inc. ("Booster") has been working expeditiously to comply with Rule 461.1 before its provisions take effect on July 1, 2022. By early June 2022, however, it became clear that, due to circumstances beyond the company's control, Booster would not be able to secure all written third-party fire agency approvals to operate, as required by the revised and new Rule (461.1(g)(4)).

Booster has worked with CalFire to draft the mobile fueling section of the International Fire Code, but in cases where local fire authorities haven't yet established their own formal permitting processes they have preferred to give Booster verbal approval to operate within the new code. Building a framework for mobile fueling has been a joint learning period for the mobile fueling industry, the District, and local and county fire agencies. Despite Booster's strong engagement and positive feedback from the fire community, for some fire authorities there is currently no process under which they provide a formal written approval as now required by the new Rule. As a consequence, it is taking longer than expected for Booster to fully comply with Rule 461.1 for "Retail" Mobile Fuelers.

Booster also wants to point out that the new Rule does not request the same fire agency approval from "non-retail" mobile fuelers. Specifically, the very same mobile fueling operations that provide services to non-retail customers do not have to follow the same measure of obtaining written fire agency approval. This discrepancy is not based on any science or safety data. It is simply an arbitrary requirement for retail mobile fuelers.

POTENTIAL SOLUTION

The Company's potential solution for full compliance will be to provide a mechanism for a formal written approval through a Memorandum of Understanding ("MOU") for fire department(s). The proposed MOU will provide: (1) a process; (2) terms of approval; and (3) potentially, reasonable fees to address the costs that will be incurred by these fire department(s). It will also be necessary to define triggering language for the approval that will be acceptable to the SCAQMD. Without language that has been pre-approved, the process can be subject to interpretation and become mired in disagreement, particularly if different fire departments provide different and non-uniform language. It is therefore important that the SCAQMD be involved in the MOU process. Booster is committed to energetically moving this process forward so that full compliance can be achieved as soon as possible. Booster has already provided a complete list to the SCAQMD of all fire authorities that Booster has engaged with, including status of written approvals and contact details.

The Company has determined that it will be impossible for Booster to affect this solution in time to receive site-specific permits from the SCAQMD, and where required, to complete public notice processes where its customer sites are within 1000 ft of a school, per Rule 212.

We are therefore respectfully requesting an interim (and then regular) variance to allow additional time needed to obtain written fire approvals required under Rule 461.1 and to obtain SCAQMD permits as required under Rule 461.1. Booster is of course agreeable to setting a reasonable Schedule of Increments of Progress and reporting efforts to reach the key milestones for full compliance. We hope the Hearing Board understands the frustration from unintentional consequences that can occur in a newly updated and revised Rule such as 461.1.

5. Briefly describe the type of business and processes at your facility.

Booster is a mobile fueling company that operates the only fleet of Mobile Fueling On-Demand (“MFOD”) Tankers that have been certified by the California Air Resources Board (“CARB”) to meet required emission control standards through fueling only vehicles equipped with Onboard Refueling Vapor Recovery (“ORVR”) systems, per CARB Executive Order VR-601-A. Each tank vehicle is CARB certified to deliver and dispense fuel directly into consumer and corporate fleet vehicles throughout permitted jurisdictions across California. Booster has set itself apart in the industry through its commitment to working with regulators and legislators—such as CARB, CalFire, Cal/OSHA, the Department of Measurement Standards and more—to develop a safe alternative to vehicle refueling at gas stations that is better for the community and the environment. **In fact, on June 14, 2022, Booster received its first request to provide fueling to CalFire vehicles under the company’s Emergency Equipment Rental Agreement (executed in March 2022 with CalFire’s Orange County Office).**

Booster’s drivers, known as Service Professionals (“SPs”), each: (1) hold commercial driver’s licenses; (2) have a minimum of 2 years commercial driving experience; (3) hold DOT hazardous material and tank endorsements; (4) are thoroughly trained in safety and spill prevention; and (5) undergo extensive U.S. TSA background checks. Upon the start of each shift, Booster SPs complete a pre-trip inspection of their MFOD tank vehicle and record inventory levels before departing for delivery. Upon the completion of each shift, Booster SPs return the MFOD tank vehicle to the Booster tank truck facility, perform a post-trip inspection of their MFOD tank vehicle, and record inventory levels for inventory reconciliation.

Booster helps reduce the environmental impact of the traditional gasoline fuel supply chain in the following ways: first, Booster delivers fuel directly from the bulk terminal to the customer vehicle, eliminating the transfer point to underground storage tanks; second, Booster utilizes trained SPs, CARB certified Eco-Nozzles with dripless technology, and standard operating procedures that require the use of absorbent materials at the point of fueling—greatly reducing potential for excess emissions from spillage or top-offs that occur at conventional gas stations with untrained members of the public operating self-service pumps; and third, Booster’s service eliminates trips to and from the gas station, which reduces vehicle miles traveled and idling during peak commute hours. Taken together, the Booster MFOD operation is cleaner and safer than the traditional self-service gasoline refueling alternative.

6. List the equipment and/or activity(s) that are the subject of this petition (see Attachment A, Item 6, Example #1). **Attach copies of the Permit(s) to Construct and/or Permit(s) to Operate for the subject equipment. For RECLAIM or Title V facilities, attach *only* the relevant sections of the Facility Permit showing the equipment or process and conditions that are subject to this petition. You must bring the entire Facility Permit to the hearing.**

Equipment/Activity	Application/ Permit No.	RECLAIM Device No.	Date Application/Plan Denied (if relevant)*
Mobile Fueling On-Demand (MFOD) Gasoline Delivery Vehicle per CARB EO VR-601-A	629563	N/A	N/A
Mobile Fueling On-Demand (MFOD) Gasoline Delivery Vehicle per CARB EO VR-601-A	629564	N/A	N/A
Mobile Fueling On-Demand (MFOD) Gasoline Delivery Vehicle per CARB EO VR-601-A	629565	N/A	N/A
Mobile Fueling On-Demand (MFOD) Gasoline Delivery Vehicle per CARB EO VR-601-A	629566	N/A	N/A
Mobile Fueling On-Demand (MFOD) Gasoline Delivery Vehicle per CARB EO VR-601-A	629567	N/A	N/A
Mobile Fueling On-Demand (MFOD) Gasoline Delivery Vehicle per CARB EO VR-601-A	629569	N/A	N/A

7. Briefly describe the activity or equipment, and why it is necessary to the operation of your business. A schematic or diagram may be attached, in addition to the descriptive text.

Booster's Mobile Fueling On-Demand ("MFOD") fuel delivery vehicles are the core operating assets of our growing business. These custom-built NFPA 385 tank vehicles are equipped with a CARB certified DOT 406 cargo tank. Each vehicle is DOT certified for hazardous material transport and manufactured to the same standards required of traditional gasoline cargo tankers—while also designed to fit in a standard parking stall, as they are the length of a small SUV and have a turning radius of a small sedan. Each vehicle is equipped with a spill kit, fuel absorbent pads, fuel absorbent booms, PIG mat drain covers, 3 emergency shutoff switches, an interlock brake system, and is certified to comply with all Fire codes, DOT, Weights and Measures, and CARB regulations. This allows Booster to deliver fuel directly from the bulk terminal to the customer rather than having the customer locate and drive to a gas station.

CARB EXECUTIVE ORDER VR-601-A ATTACHED

8. Is there a regular maintenance and/or inspection schedule for this equipment? Yes ☒ No ☐
 If yes, how often: DAILY Date of last maintenance and/or inspection 7/21/2022
 Describe the maintenance and/or inspection that was performed.

See CARB Executive Order VR-601-A, Booster Fuels, Inc., Mobile Fueling On-Demand Tank Vehicle Gasoline Dispensing System for ORVR Vehicles, Installation, Operation, and Maintenance Manual:
 - ATTACHMENT B, BOOSTER PREVENTATIVE MAINTENANCE SCHEDULES & INSPECTION GUIDELINES

9. List all District rules, and/or permit conditions [indicating the specific section(s) and subsection(s)] from which you are seeking variance relief (if requesting variance from Rule 401 or permit condition, see Attachment A). Briefly explain how you are or will be in violation of each rule or condition (see Attachment A, Item 9, Example #2).

Rules and Permit Conditions Requiring Written Fire Approval	
461.1(g)(4)	The owner or operator of a Retail Mobile Fueler shall not Transfer or Dispense Gasoline at a Dispensing Location, unless: (A) The Dispensing Location is approved for operation of a Retail Mobile Fueler in writing by the responsible fire department or other designated fire authority; (B) A statement in writing from the responsible fire authority, city, or county that approval is not required has been provided to the Executive Officer.
Permit Condition 19	Prior to dispensing gasoline at a location, the owner or operator of the MFOD shall provide documentation to South Coast AQMD representative(s) from the responsible fire department or other designated fire authority indicating that the dispensing location is approved for operation. If approval is not required by the local fire authority, city, or county, a statement in writing shall be made available to the South Coast AQMD representative(s).
Permit Condition 28(g)	The owner or operator of the MFOD shall maintain the following information for each dispensing location: Documentation by the responsible fire department or fire authority granting written approval to operate at the dispensing location or that written approval to operate is not needed for the dispensing location.

461.1(k)(2)(G)	For each Dispensing Location, the owner or operator of a Retail Mobile Fueler shall maintain the following information: Documentation by the responsible fire department or fire authority to the owner or operator for either: <ul style="list-style-type: none"> (i) The written approval to conduct Transfer or Dispensing Gasoline from a Retail Mobile Fueler at the specified Dispensing Location; or (ii) The written statement that approval of the Transfer or Dispensing of Gasoline from a Retail Mobile Fueler is not required at the specified Dispensing Location.
Potential rules & conditions violations that directly result from lack of fire approval	
Permit Condition 21	The owner or operator of MFOD shall never transfer gasoline at a dispensing location within 1,000 ft of a school, unless that dispensing location has an active site-specific Permit to Operate issued by SCAQMD.
Permit Condition 36	Beginning July 1, 2022 and pursuant to Rule 461.1 (m)(1), the owner or operator of the MFOD shall electronically submit the applicable records required by Rule 461.1 paragraph (k)(2) for the dispensing location to the Executive Officer, via the South Coast AQMD's mobile fueler reporting portal. This notification shall be sent within 48 hours prior to dispensing at a new dispensing location.
Permit Condition 41	The monthly maximum quantity of gasoline dispensed at a dispensing location from all MFOD units owned or operated by Booster Fuels, Inc. shall not exceed the monthly gasoline dispensing limits: Los Angeles (13,550 gallons per month), Orange (14,566 gallons/month), Riverside/San Bernardino (11,208 gallons/month).
203(b)	The equipment or agricultural permit unit shall not be operated contrary to the conditions specified in the permit to operate.

10. Are the equipment or activities subject to this request currently under variance coverage? Yes ☐ No ☒

Case No.	Date of Action	Final Compliance Date	Explanation

11. Are any other equipment or activities at this location currently (or within the last six months) under variance coverage? Yes ☐ No ☒

Case No.	Date of Action	Final Compliance Date	Explanation

12. Were you issued any Notice(s) of Violation or Notice(s) to Comply concerning this equipment or activity within the past year? Yes ☐ No ☒

If yes, you must attach a copy of each notice.

13. Have you received any complaints from the public regarding the operation of the subject equipment or activity within the last six months? Yes ☐ No ☒

If yes, you should be prepared to present details at the hearing.

14. Explain why it is beyond your reasonable control to comply with the rule(s) and/or permit condition(s). Provide specific event(s) and date(s) of occurrence(s), if applicable.

461.1(g)(4) requires that the owner or operator of a Retail Mobile Fueler shall not transfer or dispense gasoline at a Dispensing Location, unless the Dispensing Location is approved for operation of a Retail Mobile Fueler in writing by the responsible fire department or other designated fire authority. Rule 461.1 went into effect on January 7, 2022, and requires written fire approvals for Dispensing Locations on/before July 1, 2022. As indicated above, the District will not deem Booster's permit applications complete unless they have written fire approvals. Please see the discussion above.

From the issuance of our Rule 441 Research & Development (R&D) permits over four years ago, our Policy team has worked to reach out and engage with 20+ Fire jurisdictions across the South Coast Basin. Including:

- Los Angeles County
- LA City Fire
- Orange County Fire Authority
- City of Irvine
- Orange Fire Department
- Anaheim Fire Department
- Compton Fire Department
- Long Beach Fire Department
- Costa Mesa Fire Department
- Newport Beach Fire Department
- Huntington Beach Fire Department
- Fullerton/Brea Fire Department
- UCI Fire Department
- Santa Fe Spring Fire Department
- Riverside City Fire Department
- Riverside County Fire Department
- San Bernardino County
- San Bernardino City Fire Department
- Culver City Fire Department
- Temecula Fire Department
- Fontana Fire Department
- Ontario Fire Department

Local fire authorities have often preferred to give Booster informal approval to operate in their jurisdictions, because they haven't yet put in place their own formal permitting systems or mechanisms for reimbursement of their costs for a formal review process. This is the case despite Booster having worked proactively with CalFire to draft the mobile fueling section of the International Fire Code (s5707), which created a framework for states and local jurisdictions to allow mobile fueling.

Booster has submitted several permit applications for its customers (i.e. Dispensing Locations), but, as stated above, the District has not accepted these applications **due to lack of written fire approvals**. The District appears to be short-staffed, with some gaps in capability. Additionally, the throughput limits on our various locations permits - which we must have a site-specific permit to exceed - were calculated by the District using the singularly unrealistic assumption that all of our operations occur within 25 meters (82 feet) of a sensitive receptor such as a school and the school is located in an area with the worst meteorological condition in each of the four counties, such as an airport. This assumption is demonstratively unrealistic.

15. When and how did you first become aware that you would not be in compliance with the rule(s) and/or permit condition(s)? Provide specific event(s) and date(s) of occurrence(s).

As noted above in response to Question 4, Booster has been working expeditiously since the rule was adopted on January 7, 2022 to comply with Rule 461.1 before July 1, 2022, when the new rule will apply in full force to Booster's operations. In early June 2022, it became clear that, despite our good faith efforts, the Company would not be able to secure all the written approvals from local fire authorities, and the District would not deem Booster's permit applications complete unless the company provides written fire approval. Booster has determined that it would therefore be impossible to obtain site-specific permits from the District before July 1, 2022.

16. List date(s) and action(s) you have taken since that time to achieve compliance.

Booster took actions to comply and to seek a variance, which were timely and reasonable under the circumstances. We have established permitting frameworks with 7 fire jurisdictions, with another 5 soon to be agreed.

Fire authority	Status	Estimated time to written approval
OC Fire Authority	● Issuing written site specific permits to Booster.	Complete
LA County Fire	● Permitted Booster to operate in any city governed by LA County Fire.	Complete
Compton FD	● Permitted Booster to operate anywhere in Compton.	Complete
Santa Fe Springs FD	● Provides annual permits for Booster to operate at specific sites.	Complete
Riverside FD	● Site specific permits issued following a site inspection.	Complete
San Bernardino FD	● Fire Marshal advised in writing that permits are not required to operate in San Bernardino	Complete
Ontario FD	● Permitted Booster to operate anywhere in Ontario	Complete
Riverside County FD	● Fire Marshal has requested demo of Booster tanker safety on 8/4.	Aug/Sep 2022
LA City Fire	● For 3 years, Booster has been the only mobile fueler working with LA City Fire, which is now in late stages of finalizing permitting process.	End of Q3 or sooner.
Anaheim FD	<ul style="list-style-type: none"> ● Prior to 461.1 requiring written approval, Anaheim had given verbal approval to operate. ● Anaheim Fire Department expected to issue approval. City Council and Community Development Director now supportive of zoning 	Oct / Nov

	code interpretation that will allow for mobile fueling.	
Fullerton FD	<ul style="list-style-type: none"> Booster engaging with Fire Marshal, good chance permit will be issued 	Aug/Sep 2022
Fontana FD	<ul style="list-style-type: none"> Booster engaging with Fontana FD and other local government, expect permit to be issued 	July/August 2022

17. What would be the harm to your business during **and/or after** the period of the variance if the variance were not granted?

If the variance is not granted, Booster would suffer significant curtailment of its operations, including the potential for significant economic losses and employee layoffs.

Economic losses: \$7,795,200 in annual revenue would be at risk if Booster loses the customers who are not currently permitted to continue operation beyond July 1.

Number of employees laid off (if any): The volume of business that Booster would lose would normally require six (6) full-time employee positions (23% of the Company's drivers in the District). Booster is working to avoid having to lay off any employees.

Provide detailed information regarding economic losses, if any, (anticipated business closure, breach of contracts, hardship on customers, layoffs, and/or similar impacts).

The above calculations are based on customers that Booster would not be able to service under 461.1 as of 6/15/2022. The revenue estimate is using an average price of \$7 per gallon of fueling, which includes fees Booster charges customers for delivery.

Booster's largest customer - which accounts for about 30% of its revenue - has the contractual right, if Booster is unable to service several of their locations in the District within 30 days of agreed service dates, to freeze ALL future business with Booster across the United States. If Booster is unable to serve the sites in the District within another 60 days, its largest customer has the legal right to reallocate those sites to one of Booster's competitors and re-evaluate Booster's contract for all other sites across the United States. If all of Booster's business across the United States were awarded to a competitor, this would result in a **catastrophic loss of revenue to Booster, in excess of \$100 million, as well as the loss of many more jobs.**

18. Can you curtail or terminate operations in lieu of, or in addition to, obtaining a variance? Please explain.

Booster has considered curtailment of operations and is willing to curtail operations in a manner that would result in **less than 1 lb/day of total excess VOC emissions** per Mobile Fueling On-Demand Gasoline Delivery Vehicle by limiting operations to no more than 1,500 gallons/day, which is very simple to enforce (~95 hrs/week with a maximum dispensing flow rate of 110 GPH—**see Questions 19-20**).

19. Estimate excess emissions, if any, on a daily basis, including, if applicable, excess opacity (the percentage of total opacity above 20% during the variance period). If the variance will result in no excess emissions, insert "N/A" here and skip to No. 20.

Pollutant	(A)	(B)	(C) *
	Total Estimated Excess Emissions (lbs/day)	Reduction Due to Mitigation (lbs/day)	Net Emissions After Mitigation (lbs/day)
Volatile Organic Compounds (VOCs)	1.196 lbs/day	.239 lbs/day (see Question 18)	.957 lbs/day

* Column A minus Column B = Column C

Excess Opacity: N/A %

20. Show calculations used to estimate quantities in No. 19, **or** explain why there will be no excess emissions.

MAXIMUM EMISSION ESTIMATES (per Mobile Fuel Tank Vehicle):

Maximum Operations

- **Max Hours of Operation per Week:**
 - Monday–Friday: 20 hours/day
 - Saturday–Sunday: 10 hours/day
 - TOTAL HOURS: 120 hours/week
- **Max Gallons Dispensed per Hour:**
 - TOTAL GPH: 110 gallons/hour
- **Max Days of Operation per Year:**
 - 48 weeks/year
 - 7 days/week
 - TOTAL DAYS: 336 days/year

Maximum Throughput

- **Max Annual Throughput:**
 - 120 hrs/week x 110 gallons/hr x 48 weeks/year = **633,600 gallons/year**
- **Maximum Daily Throughput:**
 - 20 hrs/day x 110 gallons/hr = **2,200 gallons/day**
- **Average Daily Throughput:**
 - 633,600 gallons/year | 336 days/year = **1,886 gallons/day**

Table 1 below shows the exact emission factors used by SCAQMD when issuing Booster's current Permits to Operate under Rule 461.1, compared to the emission factors used by SCAQMD when issuing a permit to a conventional gas station under Rule 461. These emission factors are used by SCAQMD to determine the level of Volatile Organic Compound (VOC) emissions associated with both conventional and mobile gasoline transfer and dispensing operations permitted within the South Coast AQMD.

Table 1: SCAQMD VOC Emission Factors for Gasoline Transfer and Dispensing <i>(The Emission Factors used by SCAQMD to issue Booster Permits to Operate under Rule 461.1 have been highlighted)</i>			
Emission Source	Conventional Gasoline Dispensing Facility (lbs/1000 gallons)	Booster Mobile Fueling On-Demand (MFOD) Gasoline Delivery Vehicle (lbs/1000 gallons)	Basis for MFOD Gasoline Delivery Vehicle Emission Factors
Loading	0.15	0.00	Zero loading emissions: Fuel delivery vehicles bypass the transfer of fuel into underground/aboveground storage tanks and dispense directly into customer vehicles.
Breathing	0.024	0.08	Higher end of extreme scenario for transit losses from tank trucks loaded with product (Rule 461.1 requires Booster use CARB certified DOT spec Cargo Tank): "Breathing emissions were taken from U.S. EPA's AP-42

			Chapter 5.2, Table 5.2-5 for transit losses from tank trucks loaded with product (higher end of extreme scenario)". See: Table B, South Coast Air Quality Management District, Modeling Review of Booster Fuels' MFOD Units.
Refueling	0.32	0.42	Emission factor for refueling of ORVR vehicles without Phase II controls (Rule 461.1 requires Booster fuel only ORVR vehicles): CARB 2013 Revised Emission Factors for Phase II Vehicle Fueling at California Gasoline Dispensing Facilities (Attachment 1). Available at: https://ww3.arb.ca.gov/vapor/gdf-emisfactor/attachment1.pdf .
Spillage	0.24	0.12	Emission factor for Eco-Nozzle (Rule 461.1 requires Booster to use a CARB certified Enhanced Conventional (ECO) Nozzle): CARB Executive Order NVR-1-E. Available at: https://ww3.arb.ca.gov/vapor/eos/eo-nvr1/eo_nvr1e.pdf .
Hose Permeation	0.009	0.0268 lb/day (based on 10 g/m ² /day)	Emission factor for Low-Permeation Hose (Rule 461.1 requires Booster to use a CARB certified Low-Permeation hose): CARB Executive Order NVR-1-E. Available at: https://www.aqmd.gov/docs/default-source/compliance/Gas-Dispensing/eo_nvr1b_092715.pdf?sfvrsn=6 . *NOTE: The hose permeation factor was adjusted based on the hose length/diameter of the MFOD (50 feet, ¾") and the listed hose permeation rate of 10.0 g/m ² /day
TOTAL VOC EMISSIONS	.743 lbs/1,000 gallons	.62 lbs/1,000 gallons + .0268 lbs/day hose permeation	<u>TOTAL VOC EMISSIONS COMPARISON</u> CONVENTIONAL GASOLINE STATION = .743 lbs of VOC Emissions per day (per 1,000 gallons dispensed) VERSUS BOOSTER MFOD DELIVERY VEHICLE = .647 lbs of VOC Emissions per day (per 1,000 gallons dispensed) NEARLY 13% LESS VOC EMISSIONS PER 1,000 GALLONS DISPENSED PER DAY COMPARED TO A CONVENTIONAL GAS STATION

Booster's MFOD gasoline delivery vehicle results in a total of **.62 lbs of VOCs per 1,000 gallons dispensed plus a hose permeation of .0268 lbs of VOCs per day. THIS IS NEARLY 13% LESS VOC EMISSIONS COMPARED TO A CONVENTIONAL GAS STATION (per 1,000 gallons dispensed per day).**

Thus, since a Booster MFOD gasoline delivery vehicle can only dispense an average of 1,886 gallons/day (see "Maximum Throughput" calculations above), the maximum amount of daily VOC emissions associated with a Booster MFOD gasoline delivery vehicle will average **1.196 lbs per day** when only vehicles equipped with ORVR are fueled, as required under SCAQMD Rule 461.1(d)(3) and CARB Executive Order VR-601-A.

Daily Estimated Emission Calculations

- **Booster MFOD Gasoline Delivery Vehicle with an Average Throughput of 1,886 gallons/day:**
 - 1,886 gallons/day | 1,000 gallons = 1.886 x .62 lbs/1,000 gal = 1.169 lbs/1,000 gallons
 - 1.169 lbs/1,000 gallons + .0268 lbs/1000 gal (daily hose perm) = **1.196 lbs/day TOTAL**

Daily Estimated Emission Reduction Calculations (Compared to a Conventional Gas Station)

- **Conventional Gas Station with an Average Throughput of 1,886 gallons/day:**
 - 1,886 gallons/day | 1,000 gallons = 1.886 x .743 lbs/1,000 gal = **1.401 lbs/day TOTAL**
- **TOTAL DAILY VOC EMISSION REDUCTION**

- 1.401 lbs/day (Conventional Gas Station) - 1.196 lbs/day (Booster MFOD Delivery Vehicle)
- **= .205 lbs/day TOTAL VOC EMISSION REDUCTION**
- **NEARLY 15% REDUCTION IN DAILY VOC EMISSIONS**

Daily Estimated Emission Reduction Calculations (through limiting operations to 1,500 gallons/day)

- **Booster MFOD Gasoline Delivery Vehicle with an Average Throughput of 1,500 gallons/day:**
 - 1,500 gallons/day | 1,000 gallons = 1.5 x .62 lbs/1,000 gal = .93 lbs/1,000 gallons
 - .93 lbs/1,000 gallons + .0268 lbs/1000 gal (daily hose perm) = **.957 lbs/day TOTAL**

21. Explain how you plan to reduce (mitigate) excess emissions during the variance period to the maximum extent feasible, or why reductions are not feasible.

CURTAIL OPERATIONS:

Booster will curtail its MFOD operations during the variance period to no more than 1,500 gallons/day per MFOD, resulting in **less than 1 lb/day of total excess VOC emissions per MFOD**,

FUELING ONLY VEHICLES EQUIPPED WITH ONBOARD REFUELING VAPOR RECOVERY (ORVR):

CARB has determined that use of an ORVR system without Phase II vapor recovery is capable of recovering or processing displaced gasoline vapors by at least 95%, meeting the same emission control efficiency required by CARB for a Phase II EVR system (*the U.S. EPA actually estimates ORVR to be at least 98% efficient in controlling displaced gasoline vapors*). Thus, fueling only vehicles equipped with an ORVR system has been determined by CARB to be at least as effective as the CARB certified Phase II EVR system that gas stations use and satisfies the "Vapor Recovery Requirements for Mobile Fuelers" under SCAQMD Rule 461.1(d), which requires **Booster ONLY FUEL VEHICLES EQUIPPED WITH ORVR PER CARB EXECUTIVE ORDER VR-601-A.**

PROCEDURAL REDUCTION MEASURES:

Volatile Organic Compound (VOC) emissions from a conventional gasoline dispensing facility (GDF) occur through loading, breathing, refueling, spillage, and hose permeation. While Booster MFOD Gasoline Delivery Vehicles exhibit some of the same emission sources, there are significant differences relative to a conventional GDF that Booster uses to help reduce the environmental impact of emissions associated with the traditional gasoline fuel supply chain. These include:

- 1) Elimination of loading emissions by avoiding the transfer of fuel into either underground or aboveground storage tanks. Booster also dispenses directly into motor vehicles equipped with ORVR.
- 2) Using a CARB-certified Enhanced Conventional (ECO) nozzle and Low-Permeation Hose, and
- 3) Using trained Service Professionals and drip prevention procedures that require the use of absorbent materials at the point of fueling—greatly reducing potential for excess emissions from spillage or top-offs that occur at conventional gas stations where self-service pumps are operated by untrained members of the public.

CUTTING SPILLAGE IN HALF:

The required use of a CARB certified Enhanced Conventional (ECO) Nozzle alone **results in half the spillage** compared to a conventional Phase II EVR nozzle. (A CARB certified ECO Nozzle results in a spillage emission factor of .12 lbs/1,000 gallons, compared to a Phase II EVR nozzle spillage factor of .24 lbs/1,000 gallons).

22. How do you plan to monitor or quantify emission levels from the equipment or activity(s) during the variance period, and to make such records available to the District? **Any proposed monitoring does not relieve RECLAIM facilities from applicable missing data requirements.**

Extensive monthly and routine recordkeeping/reporting is already required by the District under Rule 461.1(k), which Booster will continue to comply with.

23. How do you intend to achieve compliance with the rule(s) and/or permit condition(s)? Include a detailed description of any equipment to be installed, modifications or process changes to be made, permit conditions to be amended, etc., dates by which the actions will be completed, and an estimate of total costs.

Booster will continue our expeditious and good faith efforts working with various fire departments to obtain our fire approvals in writing. The Company currently believes it can secure the substantial majority of these written fire approvals with an additional 4-5 months of compliance time beyond July 1, 2022. Booster will do this by continuing to engage with local fire authorities, to encourage them to establish a formal permitting regime under which Booster can be issued written approvals. To date, the Company's proactive engagement has yielded a significant number of fire permits, and we expect this to continue. **This will be greatly enhanced with assistance from SCAQMD and a sample of an MOU, as discussed previously above.**

24. State the date you are requesting the variance to begin: **August 3, 2022**; and the date by which you expect to achieve final compliance: **October 30, 2022 - November 31, 2022.**

If the regular variance is to extend beyond one year, you **must** include a **Schedule of Increments of Progress**, specifying dates or time increments for steps needed to achieve compliance. See District Rule 102 for definition of Increments of Progress (see Attachment A, Item 24, Example #3).

List Increments of Progress here: N/A

25. List the names of any District personnel with whom facility representatives have had contact concerning this variance petition or any related Notice of Violation or Notice to Comply.

Wayne Nastri, Executive Officer _____ Ext. _____

Susan Nakamura, Chief Operating Officer _____ Ext. _____

If the petition was completed by someone other than the petitioner, please provide their name and title below.

Name	Company	Title
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The undersigned, under penalty of perjury, states that the above petition, including attachments and the items therein set forth, is true and correct.

Executed on 7/21/2022, at San Francisco, California

/s/ Oliver Browne
Signature

Oliver Browne
Print Name

Title: VP, Policy and Regulatory, Booster Fuels, Inc.

-
26. **SMALL BUSINESS and TABLE III SCHEDULE A FEES:** To be eligible for reduced fees for small businesses, individuals, or entities meeting small business gross receipts criterion [see District Rule 303(h)], you must complete the following:

Declaration Re Reduced Fee Eligibility

1. The petitioner is
 - a) € an individual, or
 - b) • an officer, partner or owner of the petitioner herein, or a duly authorized agent of the petitioner authorized to make the representations set forth herein.

If you selected 1a, above, skip item 2.

2. The petitioner is

a) € a business that meets the following definition of Small Business as set forth in District Rule 102:

SMALL BUSINESS means a business which is independently owned and operated and meets the following criteria, or if affiliated with another concern, the combined activities of both concerns shall meet these criteria:

- (a) the number of employees is 10 or less; **AND**
- (b) the total gross annual receipts are \$500,000 or less **or**
- (iii) the facility is a not-for-profit training center.

-OR-

b) € an entity with total gross annual receipts of \$500,000 or less.

3. Therefore, I believe the petitioner qualifies for reduced fees for purpose of filing fees and excess emission fee calculations, in accordance with Rule 303(h).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, at _____, California

Signature _____

Print Name _____

Title _____

ATTACHMENT A

ITEM 1

Type of Variance Requested:

- (a) **SHORT:** If compliance with District rule(s) can be achieved in **90 days or less**, request a short variance. *(Hearing will be held approximately 21 days from date of filing--10-day posted notice required.)*
- (b) **REGULAR:** If compliance with District rule(s) will take **more than 90 days**, request a regular variance. If the variance request will extend beyond one year, you **must** include a specific detailed schedule of increments of progress [see Page 8, No. 24] under which you will achieve final compliance. *(Hearing will be held approximately 45 days from date of filing--30-day published notice required.)*
- (c) **EMERGENCY:** If non-compliance is the result of an unforeseen emergency, such as a sudden equipment breakdown, power failure, or accidental fire, you may request an emergency variance. You may request an *ex parte* emergency variance in addition to an emergency variance. **An emergency variance cannot be granted for more than 30 days.** *(Hearing will be held within 2 working days from the date of filing, whenever possible, excluding Mondays, weekends, and holidays.) If you request an emergency variance, you must answer No. 4 on page 1.*
- (d) **EX PARTE EMERGENCY:** If variance coverage is required on a weekend or when the Board is not in session, and you cannot wait until an emergency variance hearing can be held, you may request an *ex parte* emergency variance. An *ex parte* emergency variance will be granted or denied solely on the information contained in the petition and the District's response to the petition. Under most circumstances, an *ex parte* emergency variance will remain in effect only until a hearing can be held. **If you request an ex parte variance, you must answer No. 4 on page 1.**
- (e) **INTERIM:** If you require immediate relief (other than for emergencies) to cover the time until a short or regular variance hearing can be held, request an interim variance. If you request an interim variance, you must also request a short or a regular variance on the same petition. *(Hearing will be held approximately 2 working days from date of filing, whenever possible, excluding Mondays, weekends and holidays.) If you request an interim variance, you must answer No. 4 on page 1.*

ITEM 4

[YOU MAY ATTACH ADDITIONAL PAGES IF NECESSARY]

GOOD CAUSE: The Hearing Board is required to provide public notice of variance hearings, as the public has a right to attend and testify at such hearings. In order for the Hearing Board to hold an Interim, *Ex Parte* Emergency or Emergency Variance hearing without the required public notice, a petitioner must present facts which will support a determination by the Board that "good cause" exists to hear a variance without notifying the public about the variance and providing the public with an opportunity to present evidence concerning the variance.

ITEM 6

Example #1:

Equipment/Activity	Application/ Permit No.	RECLAIM Device No.	Date Application/Plan Denied (if relevant)*
Tenter frame		D32	
Chrome-plating tank	M99999		
Bake oven	123456		
Create special effects (fog)	N/A	N/A	N/A
Mfg., sale, distribution, use of non-compliant coating	N/A	N/A	12/10/95

ITEM 9

a) If you are requesting relief from Rule 401 and the excess opacity during the variance period will reach or exceed 40%, you should also request relief from California Health and Safety Code Section 41701.

b) If you are requesting relief from a permit condition(s), you should also request relief from the rule requiring compliance with conditions of the permit: 202(a), (b) or (c) - Temporary Permit to Operate; 203(b) - Permit to Operate; 2004(f)(1) – RECLAIM Permit; 3002(c) – Title V Permit.

Example #2:

Rule	Explanation
404(a)	tenter frame is vented to damaged air pollution control equipment
2004 (f)(1) [Condition No. 28-2 of Facility P/O No. 099999]	source test cannot be conducted as required until new ESP is installed
1113(c)(2)	petitioner manufactures and sells clear wood finishes with VOCs in excess of 350 grams per liter
401(a) & California H&S Code Section 41701	Opacity will exceed 45%.

ITEM 24

Example #3:

Sample Schedule of Increments of Progress

- Permit application(s) will be submitted to the District by [date].
- Contracts for the purchase of emission control systems will be awarded by [date].
- On-site construction will be completed by [date].

(Petition for Variance: Revised February 22,

English	<i>“If you require a language interpreter in order to participate in the hearing, contact the Clerk of the Board at least five (5) calendar days before your hearing at 909-396-2500 or by e-mail at clerkofboard@aqmd.gov. Specify the case name and number, hearing date, and the language for which you are requesting an interpreter.”</i>
Farsi	"اگر برای شرکت در جلسه استماع به مترجم نیاز دارید، حد اقل پنج (5) روز تقویمی قبل از جلسه استماع، با منشی هیئت توسط شماره تلفن 909-396-2500 یا بوسیله نامه الکترونیکی با نشانی clerkofboard@aqmd.gov تماس بگیرید. نام پرونده و شماره آن، تاریخ جلسه استماع و زبانی را که برای آن مترجم درخواست کرده اید، مشخص کنید"
Arabic	"إذا كنت في حاجة لمترجم من أجل المشاركة في جلسة الاستماع، اتصل بكاتب المحكمة قبل موعد جلسة الاستماع clerkofboard@aqmd.gov بخمسة (5) أيام على هاتف 909-396-2500 أو بالبريد الإلكتروني على "و تاريخ الاستماع واللغة التي تريد في مترجم لها حدد اسم ورقم القضية"
Armenian	"Ունկնդրության մասնակցելու համար, եթե թարգմանչի կարիքն ունենաք, ցածրագույնը մեկ շաբաթվա (5) օրացույցային օրից առաջ կապվեք համաձայնի բարոտղարի հետ, 909-396-2500 հեռախոսահամարով կամ էլեկտրոնային հասցեով clerkofboard@aqmd.gov : Նշեք գործի անունը և համարը, ունկնդրության թվականը, և լեզուն, որի համար թարգմանչի էք ցանկանում"
Vietnamese	"Nếu quý vị cần Thông Dịch Viên cho buổi điều trần, xin vui lòng điện-thoại cho Thư Ký Hội Đồng tại số 909-396-2500 trễ nhất là năm [5] ngày, không tính hai ngày Thứ Bảy và Chủ Nhật, trước buổi điều trần hoặc gửi điện thư đến clerkofboard@aqmd.gov . Nhớ ghi rõ tên và số hồ sơ, ngày điều trần, và ngôn ngữ quý vị cần có người để thông dịch."
Chinese	如果你要求翻譯來協助你參加聽證會，請在你的聽證會前至少提前五天（5個日曆日）打電話到909-396-2500或發電子郵件到 clerkofboard@aqmd.gov 與局裏的辦事人員聯絡。並且明確說明你的案子的名稱和號碼，聽證日期，以及你要求的翻譯的語種。
Japanese	公聴会（ヒアリング）に参加するために通訳が必要な場合、少なくとも5日前までに事務局（Clerk of the Board）にご連絡ください。電話でのご連絡は ☎☎☎☎☎☎☎☎☎☎、☎☎メールでのご連絡は clerkofboard@aqmd.gov 。までお願いします。その際、案件名（case name）と案件番号（case number）、ヒアリングの日付、通訳が必要な言語を特定して下さい。
Korean	“만약 귀하나 귀하의 증인들이 심리에 참여하기 위해 통역사가 필요하시면, 심리일 5일 전까지 기관부서의 서기에게 909-396-2500으로 연락하시거나, clerkofboard@aqmd.gov 로 연락 하십시오. 통역이 필요하신 사건의 이름, 심리날짜, 그리고 언어를 정확하게 말씀해 주십시오.”
Spanish	Si usted requiere un intérprete para poder participar en la audiencia, favor de comunicarse con el Secretario de la Junta cuando menos cinco (5) días hábiles antes de su audiencia al teléfono (909) 396-2500 ó por correo electrónico al clerkofboard@aqmd.gov . Especifique el nombre y el número de su causa, la fecha de la audiencia y el idioma del cual está solicitando el intérprete.
Tagalog	"Kung kailangan ninyo nang interpreter sa Pilipino para makasali kayo sa pagdinig sa kaso, tumawag lang po kayo sa Clerk of the Board sa numero 909-396-2500 or kung hindi mag-email kayo sa email clerkofboard@aqmd.gov . Kailangan na tumawag kayo sa loob nang limang araw (5 days) bago ang inyong hearing date at ibigay and inyong pangalan at case number, araw nang inyong pagdinig sa kaso at inyong gusto na may lenguahe na interpreter".

Thai	<p>หากคุณต้องการล่ามในการขึ้นศาล ให้ติดต่อเจ้าหน้าที่ ล่วงหน้าอย่างน้อย 5 วันก่อนวันขึ้นศาล โดยติดต่อที่เบอร์โทร 909-396-2500 หรือโดยe-mailที่ clerkofboard@aqmd.gov ให้ออกชื่อและหมายเลขของคดี พร้อมทั้งวันเวลาในการขึ้นศาล และระบุภาษาที่คุณต้องการล่าม</p>
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**Entered as Petitioner's Exhibit #1 in the
June 30, 2022 Interim Variance Hearing**

CARB EXECUTIVE ORDER

VR-601-A

***Booster Fuels, Inc., Mobile Fueling On-Demand Tank Vehicle
Gasoline Dispensing System for ORVR Vehicles***

**Entered as Petitioner's Exhibit #2 and
Exhibit #3 in the June 30, 2022 Interim
Variance Hearing**

SCAQMD PERMITS TO OPERATE

Permit No: 629563, 629564, 629565, 629566, 629567, 629569

1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a
3 party to the within action; my business address is 2625 Townsgate Road, Suite 330, Westlake Village, California,
91361.

4 On **July 20, 2022**, I served the document(s) described as **PETITIONER BOOSTER FUELS, INC.**
5 **REVISED PETITION FOR VARIANCE** on the interested party(s) in this action by placing a true copy thereof
6 enclosed in a sealed envelope addressed as follows and emailing to addressees as indicated below:

7 ☐ **(BY MAIL)** I am readily familiar with the firm's practice of collection and processing correspondence for
8 mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with
9 postage thereon fully prepaid at Pasadena, California in the ordinary course of business. I am aware that on
10 motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is
more than one day after date of deposit for mailing in affidavit. *Note: Service made pursuant to this*
paragraph will, on motion of the party served, be presumed invalid if the postal cancellation or meter date
is more than one day after the date of deposit for mailing stated in this declaration. (C.C.P. Section 1013a,
subd. (3))

11 ☒ **(BY E-MAIL)** Based on an agreement of the parties to accept service by e-mail or electronic transmission, I
12 caused the above document(s) to be sent to the person(s) at the e-mail addresses listed above. I did not
13 receive, within a reasonable time after the transmission, any electronic message or other indication that the
transmission was unsuccessful.

14 ☐ **(BY FEDERAL EXPRESS)** By placing a true and correct copy of the above document(s) in a sealed
15 envelope addressed as indicated above and causing such envelope(s) to be delivered to the FEDERAL
EXPRESS delivery service and to be delivered by the next business day to the address(s) designated.

16 ☐ **(BY FAX)** I caused said document(s) to be transmitted by facsimile between the business hours of 9:00
17 a.m. and 5:00 p.m. to the addressee(s) whose facsimile number is listed above. The above-described
18 transmission was reported as complete without error by a transmission report issued by the facsimile
transmission machine upon which the said transmission was made immediately following the transmission.
A true and correct copy of the said transmission report is attached hereto and incorporated herein by this
reference.

19 ☐ **(BY PERSONAL DELIVERY)** I caused the document(s) listed above to be personally delivered to the
20 person(s) at the address(es) set forth above.

21 Executed on **July 20, 2022**, at Westlake Village, California.

22 ☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true
and correct.

23 SHANNON KEARSLEY
24 *Print Name*

/s/ Shannon Kearsley
Signature

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SERVICE LIST

OFFICE OF THE GENERAL COUNSEL SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT BRIAN TOMASOVIC, SBN 314279 PRINCIPAL DISTRICT COUNSEL Diamond Bar, California 91765 Email: btomasovic@aqmd.gov <i>Attorney for Respondent</i> <i>South Coast Air Quality Management District</i>	CLERK OF THE BOARD SOUTHERN CALIFORNIA AQMD HEARING BOARD Diamond Bar, California 91765 Email: clerkofboard@aqmd.gov
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