

Proposed Regular Variance Conditions

Variance Case No. 6171-4

Booster Fuels, Inc. (IDs: 196243; 196226; 196225; 196224; 196223; 186947)

August 3, 2022

1. Petitioner shall at all times follow the conditions of the certification in California Air Resources Board Executive Order VR-601-A, including the requirement to “Meet all local fire and life safety standards and permitting requirements of the local Fire Marshal and/or Certified Unified Program Agency (CUPA), where applicable” and the requirement to comply with rules and regulations of the Office of the State Fire Marshal.
2. Petitioner has no variance from the requirement to obtain a site-specific Permit to Operate from the South Coast AQMD for any dispensing location within 1,000 feet of a school as required by Condition 21 of Petitioner’s Permits to Operate; this is to ensure appropriate compliance with District Rule 201 (“Permit to Construct”), District Rule 212 (“Standards for Approving Permits and Issuing Public Notice”), District Rule 461.1 (“Gasoline Transfer and Dispensing for Mobile Fueling Operations”), District Rule 1401.1 (“Requirements for New and Relocated Facilities Near Schools”), and California Health and Safety Code Section 42301.6 (“Public notice for possible source of air hazardous emissions near school prior to approving permit”).
3. Petitioner has no variance from the requirement to obtain a site-specific Permit to Operate from the South Coast AQMD for any dispensing location where Petitioner intends to exceed a Monthly Gasoline Dispensing Limit as found in Condition 41 of the Petitioner’s Permits to Operate; this is to ensure appropriate compliance with District Rule 201 (“Permit to Construct”), District Rule 212 (“Standards for Approving Permits and Issuing Public Notice”), District Rule 461.1 (“Gasoline Transfer and Dispensing for Mobile Fueling Operations”), District Rule 1401 (“New Source Review of Toxic Air Contaminants”), and District Rule 1402 (“Control of Toxic Air Contaminants from Existing Sources”).
4. Petitioner shall fully comply with condition 19 of each of its Permits to Operate and with District Rule 461.1(g)(4) and (k)(2)(G) at all dispensing locations, unless the responsible fire department or other designated fire authority has provided only a verbal statement that the location is approved for operation or only a verbal statement that approval is not required for the dispensing location, in which event Petitioner will follow all applicable conditions of this variance.
5. If a fire department or other fire authority (“Fire Authority”), has provided only a verbal statement (but not a written statement) that a dispensing location is approved for operation, Petitioner shall, prior to dispensing fuel at that location, undertake the following steps:

 - a. For each dispensing location, a responsible representative of Petitioner will submit a signed, dated statement with an original, handwritten signature that provides details on the Fire Authority’s verbal approval to operate.
 - b. In each statement, include the following: *This is a statement submitted in conjunction with an application for a permit or at the request of an air pollution control officer.*
 - c. In each statement, identify the dispensing location and customer name(s) and the corresponding Fire Authority and the name, title, and contact information (phone and email address) of the Fire Authority official who provided the verbal statement that the dispensing location is approved for operation.
 - d. In each statement detail the circumstances of the verbal approval, including the date, means of communication (e.g., phone, in-person, videoconference), persons present, and the dates and circumstances of any subsequent discussions that confirmed the verbal statement.

- e. In each statement, the responsible representative will acknowledge that Petitioner is subject to the jurisdiction and direction of the Fire Authority for the identified dispensing location, including the obligation to immediately discontinue services at the dispensing location if the verbal approval is withdrawn or the Fire Authority disputes that a verbal approval was ever given.
 - f. Submit the statement and any attachments to Rule 461submittal@aqmd.gov prior to dispensing at the dispensing location and also retain the submission for a minimum of two years and make it available to South Coast AQMD on request.
6. If a Fire Authority has provided only a verbal statement (but not a written statement) that approval to operate is not needed or not required for the dispensing location, Petitioner shall prior to dispensing fuel at that location undertake the following steps:
- a. For each dispensing location, a responsible representative of Petitioner will submit a signed, dated statement with an original, handwritten signature that provides details on the Fire Authority's communication that approval to operate is not needed or required for the dispensing location.
 - b. In each statement, include the following: *This is a statement submitted in conjunction with an application for a permit or at the request of an air pollution control officer.*
 - c. In each statement, identify the dispensing location and customer name(s) and the corresponding identity of the Fire Authority with the name, title, and contact information (phone and email address) of the Fire Authority official who provided the verbal statement that no approval is needed or required for operation at the dispensing location.
 - d. In each statement, detail the circumstances of the verbal approval, including the date, means of communication (e.g., phone, in-person, videoconference), persons present, and the dates and circumstances of any subsequent discussions that confirmed the verbal statement.
 - e. In each statement, the responsible representative will acknowledge that Petitioner is subject to the jurisdiction and direction of the Fire Authority. The statement will commit the Petitioner to apply for and obtain any Fire Authority approval or permit that the Fire Authority states to be needed in the future and to follow any interim directions of the Fire Authority, including any direction to cease services at a dispensing location pending issuance of a written approval or permit if so directed.
 - f. Submit the statement and any attachments to Rule 461submittal@aqmd.gov prior to dispensing at a dispensing location and also retain the submission for a minimum of two years and make it available to South Coast AQMD upon request.
7. For each dispensing location that is initially supported by declarations as provided in Condition 3 or 4, the Petitioner will continue working to satisfy the documentation requirements of Rule 461.1(g)(4) and will submit documentation, once obtained, within three business days to Rule461submittal@aqmd.gov.
8. Should Petitioner find at any time after submission of a statement on a dispensing location as provided in Condition 3 or 4 that any portion of the statement or submitted information is not correct or current, Petitioner must notify South Coast AQMD of this fact as soon as possible and provide a corrected/updated statement to Rule461submittal@aqmd.gov. If the basis for updating a statement on a dispensing location is a loss of Fire Authority approval, the Petitioner shall promptly discontinue dispensing at the dispensing location, and the corrected/updated statement shall include the date and details of the discontinuation of dispensing activities at the dispensing location. If the basis for updating a statement on a dispensing location is that a Fire Authority has informed Petitioner that a permit is newly required or will be newly required from a future date, the Petitioner shall promptly discontinue dispensing at the dispensing location (unless a Fire Authority official has communicated that continued operations at the dispensing location are authorized on an interim basis), and the corrected/updated

statement shall include the date and details of the discontinuation or planned future discontinuation of dispensing activities at the dispensing location in the absence of a Fire Authority approval.

9. This variance only applies to dispensing locations that were established prior to July 1, 2022, and for which Petitioner has (1) timely complied with Rule 461.1(m)(1) by providing all records under Rule 461.1(k)(2) aside from the (k)(2)(g) requirement for documentation by the responsible Fire Authority, or (2) earlier complied with the record submission requirements for dispensing locations found in Condition 36 of Petitioner's Permits to Operate.
10. Petitioner shall notify the Clerk of the Board and District Inspector Paul Macias (pmacias@aqmd.gov) in writing when final compliance has been achieved in this matter.
11. This variance shall terminate on or before November 31, 2022 and is not subject to extension. Petitioner shall terminate dispensing activities at all dispensing locations at the end of this variance where compliance with Rule 461.1(g)(4) has not been achieved.
12. Petitioner shall pay all applicable fees to the Clerk of the Board by ____ or the variance shall be invalidated pursuant to Rule 303(k).