



South Coast Air Quality Management District

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URGENT MATTER: ADVISORY # 04-18 to Owners/Operators of Gasoline Dispensing Facilities consisting of Aboveground Storage Tanks with Remote Dispensing Configurations

Owner/Operator:

October 19, 2018

According to our records, your facility is operating an aboveground storage tank with a remote dispensing configuration. This Advisory is sent to you to remind you that current regulations require you to **upgrade your gasoline dispensing equipment to a Phase II Enhanced Vapor Recovery (EVR) System to conform to Executive Order (EO) VR-501 no later than March 13, 2019.**

On March 13, 2015, the California Air Resources Board certified an Enhanced Vapor Recovery (EVR) System for aboveground storage tanks with remote dispensing.¹ CARB's Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities (CP-206), section 2.4 states in part (emphasis added):

Whenever these Certification Procedures are amended to include additional or amended performance standards . . . [s]ystems installed before the operative date of additional or amended standards may remain in use for the remainder of their useful life or for up to **four** years after the effective date of the new standard, whichever is shorter . . .

Please be advised that CARB is currently considering an amendment to CP-206 and the Vapor Recovery Definitions (D-200) to include definitions for "Non-remote (integral) dispensing," "Protected aboveground storage tank," and "Remote dispensing." Additionally, an exemption from the upgrade requirements based on facility wide throughput levels may be included in the rulemaking. As such, it is important to monitor all CARB rulemaking efforts to identify if your facility may still require the upgrade. To keep updated on CARB Vapor Recovery rulemaking information you may wish to subscribe to email updates, which can be subscribed to here: https://public.govdelivery.com/accounts/CARB/subscriber/new?topic_id=vapor.

¹ See Executive Order VR-501, available at <https://www.arb.ca.gov/vapor/eos/eo-vr501/eo-vr501.htm>

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As the regional air pollution control agency responsible for permitting and enforcement activities relating to Gasoline Dispensing Facilities, the South Coast Air Quality Management District (SCAQMD) is required to implement and enforce these state requirements. Failure to comply by March 13, 2019 may result in penalties and your gasoline dispensing equipment will be tagged out-of-order. If you will not be able to meet the deadline for the upgrade you should contact the SCAQMD Legal Department at (909) 396-3400.

It is extremely important that you plan for this retrofit. Listed below are some items to consider in achieving compliance by the March 13, 2019 deadline.

Items to Consider:

1. **On-board Refueling Vapor Recovery (ORVR) Fleet Facilities.** CARB Vapor Recovery Definition D-200 for ORVR Fleet Facilities and SCAQMD Rule 461(c)(4)(A) allow for non-retail facilities to be exempt from Phase II vapor recovery requirements if they fuel fleets that consist of **100%** ORVR vehicles. In lieu of Phase II requirements facilities must use hoses, breakaways and nozzle that are part of a “CARB certified” vapor recovery system, except that the vapor return line shall be sealed off.
2. **Obtaining a Permit to Construct.** Before you can start the installation of new equipment or convert to an ORVR Fleet Facility, a valid SCAQMD permit to construct shall be obtained and posted at the Gasoline Dispensing Facility. Permit application forms and related information is available by calling (909) 396-3385 or by visiting our website at <http://www.aqmd.gov/home/permits>. Please allow at least 6 to 8 weeks for the permit application processing. Questions regarding the application forms, filing fees, etc. may be directed to SCAQMD permit processing engineer Randy Matsuyama at (909) 396-2551.
3. **Selecting a Qualified Contractor.** While SCAQMD cannot provide a list of recommended contractors, we encourage you to do the research necessary to ensure you hire a qualified professional that can successfully complete the installation by the specified deadline. Request that the contractor has the proper credentials (e.g. manufacturer and International Code Council certifications) and guarantees the equipment will arrive in time and be installed in compliance with all applicable state and local rules and regulations.
4. **Planning Ahead.** You should contact other regulatory agencies to secure necessary permits for this retrofit. If it becomes apparent that you will not be able to meet the March 13, 2019 deadline, either because of another agency’s permitting requirements or other circumstance beyond your reasonable control, you may seek a variance from the South Coast Air Quality Management District Hearing Board. A variance will not relieve you of the obligation to comply with CARB and SCAQMD requirements but may provide you with additional time to comply. More information about variances is available on our website: <http://www.aqmd.gov/nav/about/hearing-board/about-variances>.
5. **Testing New Equipment.** Performance tests on the vapor recovery system are required within 10 days of the initial startup and operation of any new or altered Gasoline Dispensing

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Facility. When conducted properly by a qualified testing company, testing verifies that the system was installed correctly and is operating in accordance with applicable CARB requirements.

Additional questions regarding this upgrade can be directed to **Rule 461 Assistance** at (909) 396-3546 or Rule461assistance@aqmd.gov.