



SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

21865 COPLEY DRIVE, DIAMOND BAR, CA 91765
(909) 396-2000 Website: <http://www.aqmd.gov>

AQMD Rule 461 Advisory No. 21-05

September 1, 2005 Deadline to Install Gasoline Dispensing Vapor Recovery Systems (Phase II) Compatible with Onboard Refueling Vapor Recovery (ORVR) Equipped Vehicles

State law requires that all retail and non-retail gasoline dispensing facilities (GDFs) with underground storage tanks be equipped with Phase II vapor recovery systems that have been certified as compatible for fueling vehicles equipped with Onboard Refueling Vapor Recovery (ORVR) systems. **For existing facilities with a calendar year 2003 gasoline throughput of 2 million gallons or greater, September 1, 2005 is the deadline to comply with this requirement.**

As the regional air pollution control agency responsible for permitting and enforcement activities relating to GDFs, the South Coast Air Quality Management District (AQMD) is required to implement and enforce these State requirements. Failure to comply by the applicable deadline may result in significant non-compliance penalties and your gasoline dispensing equipment being tagged out-of-service.

Your compliance options are:

1. On or before the September 1, 2005 deadline, install a Phase II vapor recovery system that has been certified as compatible for fueling vehicles equipped with ORVR systems.
2. Cease the dispensing of gasoline after the September 1, 2005 deadline until your GDF is ORVR compliant.
3. Request the AQMD Prosecutor's Office to apply to the Hearing Board for a Stipulated Order for Abatement that, if granted, may allow you to continue to dispense gasoline until the necessary equipment is installed and the GDF is ORVR compliant.
4. Petition directly to the AQMD Hearing Board for a variance. There are substantial fees and requirements related to variances. Additional information is available on the AQMD's web page at <http://www.aqmd.gov/hearbd/variances.html>. Each case is evaluated by the Hearing Board on its own unique facts and there is no guarantee that the Hearing Board will grant the requested variance.

If you anticipate ***not*** being able to meet your installation deadline for reasons beyond your reasonable control and you wish to continue operating, consider option No. three (3) or four (4) above. If you choose option No. three (3), Stipulated Order for Abatement, please complete and return by fax the Stipulated Order for Abatement Request form to AQMD's Prosecutors Office at 909.396.2961. For option No. four (4), immediately consult the AQMD's webpage as previously noted for more information on variances.

Presently, the California Air Resources Board (CARB) has certified four (4) ORVR compatible Phase II systems:

- **Balance (CARB Executive Order G-70-52-AM and Approval Letter 03-04)**
- **Gilbarco Vapor Vac/OPW Vaporsaver (CARB Executive Order G-70-204)**
- **Healy (CARB Executive Orders G-70-191-AA and VR-201-A)**
- **Hirt (CARB Executive Order G-70-177-AA and Approval Letter 03-06)**

If your present Phase II vapor recovery system is not one of these four systems and your GDF's gasoline throughput in calendar year 2003 was 2 million gallons or greater, it must be replaced with an ORVR compatible Phase II system by September 1, 2005.

Know the facts – Take the time to carefully review this advisory. Additional information is available at CARB's web page at <http://www.arb.ca.gov/vapor/vapor.htm>. or you can visit AQMD's website at www.aqmd.gov/comply/Rule461/EVR-Update.htm.

Assess your compliance status – Become familiar with your GDF's current compliance status and the efforts that will be necessary to comply with ORVR requirements by the September 1, 2005 deadline.

Permitting – If you have not already done so, submit to the AQMD a permit application to modify your GDF's existing Permit to Operate and ensure that you have an AQMD approved Permit to Construct in your possession before you start installation of the new equipment. Permit applications and related information is available by calling 909.396.3385 or by visiting our website at www.aqmd.gov/comply/Rule461/R461EVRPermits.htm. Permit application processing typically requires 6 to 8 weeks to complete. In order to meet the September 1, 2005 deadline, the processing of the permit application may be expedited through the AQMD's Voluntary Expedited Permit Program. This service is subject to staff availability and is assessed a higher permit application processing fee.

Select a qualified contractor/installer – While AQMD can not provide a list of recommended contractors, we encourage you to do the research necessary to ensure you hire a qualified professional that can successfully and properly complete the installation by the specified deadline. Request a written commitment that the equipment will be obtained and installed by that time and that it will be installed in compliance with all applicable state and AQMD Rules and Regulations.

If you have questions or require additional information regarding ORVR-compatible Phase II system requirements, please call AQMD at 1.866.770.9140.