

F.A.Q. for Phase II EVR Compliance (ver. 1.1)

1. Why can't I apply for a variance instead?

The APCD Hearing Board cannot grant variances from State mandated requirements. In this case, our Rule 316 requires the use of an Air Resources Board certified vapor recovery system.

2. What are the fees for the Stipulated Order of Abatement process?

Unlike a variance, there are no application fees for an abatement order as the petitioner in these cases is the District. Please be aware though, that your facility will still be in violation of Rule 316 and the District will be issuing a Notice of Violation to document your station's non-compliance status. The NOV will have penalty fines associated with it.

3. If I'm still in violation with Rule 316, then what is the purpose of the Stipulated Order of Abatement?

The abatement order allows the District to use enforcement discretion. For this particular situation, the District will not tag the station out of operation on April 1st. This allows the station to continue gasoline dispensing operations while taking the necessary steps to come into compliance. Oversight by the Hearing Board, via the Stipulated Order of Abatement, ensures that compliance is achieved in a timely manner. Failure to comply with the abatement order may lead to large fines by the Hearing Board and the District may then tag the station out of operation.

4. What will the penalty fines be?

The fines will vary depending on the specific circumstances involving each station. In general, you may expect the fines to range from hundreds of dollars to thousands of dollars. The length of time the station is out of compliance will also have an impact on the total amount of the fine.

5. What if I shut down my gasoline fuel dispensing operations on April 1st, will I still be in violation?

No, you will not be in violation if you choose to shut down the gasoline dispensing operations. However, we suggest that you request the Stipulated Order of Abatement instead as it will allow for continued operations of your facility. As noted above, you will receive a Notice of Violation if you obtain the Stipulated Order of Abatement (see item 4 above regarding the penalty fines).

6. What will happen if I am operating my gasoline dispensing equipment on April 1st without installing the Phase II EVR equipment or obtaining a Stipulated Order of Abatement from the APCD Hearing Board?

The District will tag your station out of order and will issue you a Notice of Violation.

7. Are there other regulations that I should be aware of?

Yes, if your station pumps more than 600,000 gallons of gasoline per year or more, you will need to install In-Station Diagnostics (ISD). Stations that pumped more than 1,800,000 gallons in 2007 or 2008 are required to have the ISD system installed by September 1, 2009. Stations that pumped more than 600,000 gallons in 2007 or 2008 are required to have the ISD system installed by September 1, 2010. If you have installed the Phase II equipment already, but not the ISD system you'll need to apply to the District and obtain an ATC permit prior to installing the ISD equipment.

8. Should I install ISD now or wait?

The deadlines listed above are what you must meet. The District, however, recommends that you do the ISD upgrade at the same time as the Phase II EVR upgrade if you can. This will eliminate the need to obtain additional District permits (saving money) and avoids potential future non-compliant situations.

9. Do these requirements apply to diesel fuel?

No, the Phase II EVR and ISD requirements only apply to gasoline.

10. My tanks are located aboveground or in a buried vault, does that make any difference?

Yes it does. The Phase II EVR and ISD requirements currently apply to stations that use underground storage tanks. Buried vaulted tanks are defined as an aboveground tank. Please be aware, however, that the Air Resources Board recently adopted EVR requirements for ASTs. See <http://www.arb.ca.gov/vapor/ast/ast.htm> and ARB Executive Order [G-70-213](#) for more details.

11. I have a bulk fuel plant that uses underground storage tanks that are also shared with a vehicle card lock system. Do I need to install the Phase II EVR equipment now?

No. The four ARB Executive Orders that cover Phase II EVR equipment were not evaluated for compliance with bulk plant / card lock systems such as yours. The ARB has issued Executive Order [G-70-210](#) to delay the implementation requirements for your station.

12. I have a station that uses a condensate trap on the vapor return line from the dispensers to the underground storage. Do I need to install the Phase II EVR equipment now?

No. The four ARB Executive Orders that cover Phase II EVR equipment were not evaluated for compliance with a condensate trap in line. The ARB has issued Executive Order [G-70-211](#) to delay the implementation requirements for your station.