



# Special Advisory

Number 402

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## **POLICY FOR SERVICE STATIONS THAT DO NOT MEET THE SEPTEMBER 1, 2009, IN-STATION DIAGNOSTIC (ISD) DEADLINE**

Enhanced Vapor Recovery (EVR) regulations adopted by the Board in March 2000 require approximately 10,400 service stations (Gasoline Dispensing Facilities or GDFs) to upgrade equipment to reduce gasoline vapor emissions by April 1, 2009. EVR regulations also require the installation of in-station diagnostic (ISD) equipment on GDFs. ISD monitors the performance of the vapor recovery systems and triggers alarms when failures occur.

In March 2009, the California Air Resources Board in cooperation with the California Air Pollution Control Officers Association issued an Advisory outlining an enforcement policy for GDFs that might miss the April 1, 2009 EVR Phase II deadline. The Advisory provided GDFs options for complying with the EVR Phase II deadline. Completed installations and Compliance Agreements increased significantly after the issuance of the March 2009 Advisory. Nearly 93 percent GDFs have already completed the installation or are on the path to completing installation.

The next EVR-related deadline is ISD installation by September 1, 2009, for GDFs with annual throughputs of greater than 1.8 million gallons. Substantial progress has been made by the affected GDFs to comply with this deadline. As of early August 2009, the Air Resources Board estimates that over 80 percent of the approximately 5,800 GDFs subject to the September 1, 2009 deadline have already completed or are on the path to completing ISD installation.

In order to bring the remaining GDFs into compliance with the ISD installation requirement, the Air Resources Board expects, prior to September 1, 2009, the California Air Pollution Control Districts and the Air Quality Management Districts (districts) to obtain from each GDF that has not installed ISD both, (1) a local air district permit application for installation and (2) a stipulated order of abatement or enforcement or compliance agreement. Such agreements should allow the GDFs to continue operating until December 31, 2009, while completing the installation of ISD. In addition, the districts may assess a combined EVR and ISD penalty, if applicable, not to exceed \$1,000. In order to qualify for the capped \$1,000 penalty, the GDF must, by September 1, 2009, comply with both of the requirements referenced in this paragraph, and have either complied with the April 1, 2009, EVR Phase II deadline or complied with all district requirements allowing for extension of the EVR Phase II compliance date. In all cases, ISD installation must be completed by December 31, 2009.

**GDFs must sign a stipulated order of abatement or enforcement or compliance agreement prior to the September 1, 2009, ISD deadline in order to be eligible to operate temporarily without the required ISD installation.** For those GDFs currently operating under a stipulated order of abatement or enforcement or compliance agreement relating to EVR Phase II and ISD, the GDF should continue to operate per the district's compliance plan; however, if the agreement does not address ISD, the GDF operator should contact his or her local air district immediately to address the September 1, 2009, ISD deadline.

Exceptions for above deadlines:

1. **Ozone Attainment Areas:** GDFs located in air districts currently in attainment with the state ozone standard are exempt from ISD requirements. Impacted counties are Lake, Mendocino, Del Norte, Humboldt, and Trinity counties.
2. **Exemptions:** GDFs with annual throughputs less than 600,000 gallons are not required to install ISD equipment.
3. **ISD Deadline of September 2010:** GDFs with annual throughputs between 600,000 gallons and 1.8 million gallons have until September 1, 2010 to complete their installations.
4. **ISD Deadline of July 2011:** GDFs located in air districts that were re-designated nonattainment for ozone by the Air Resources Board in 2006 have until July 26, 2011, to complete their installations. Impacted counties are Siskiyou, Northern Sonoma County Air Pollution Control District portion of Sonoma, and San Luis Obispo.

If you have any questions regarding this advisory, please contact Mr. Brad Cole at (916) 322-3951 and/or email [bcole@arb.ca.gov](mailto:bcole@arb.ca.gov).

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