



KERN COUNTY AIR POLLUTION CONTROL DISTRICT

2700 "M" STREET SUITE 302, BAKERSFIELD, CA 93301-2370

PHONE: (661) 862-5250 • FAX: (661) 862-5251 • www.kernair.org

PHASE II EVR COMPLIANCE OPTIONS

PLEASE BE AWARE THAT state law requires all retail and non-retail gasoline dispensing facilities equip their underground storage tanks with Phase II Enhanced Vapor Recovery (EVR) systems on or before April 1, 2009. The District and the State have sent several notices in the last two years to facility permit holders advising of this deadline.

If you have not installed Phase II EVR on your underground storage tanks you have 4 options:

Option 1:

1. Submit a Gasoline Storage and Dispensing Facility (GDF) application for permit modification to the Kern County Air Pollution Control District (District) prior to April 1, 2009 along with a \$120 filing fee.
2. Receive an Authority to Construct (ATC) from the District
3. Install the Phase II EVR System before April 1, 2009.

Option 2:

1. Submit a GDF application for permit modification to the District prior to April 1, 2009 along with a \$120 filing fee.
2. Submit a Compliance Plan (EVR Compliance Plan) stating when the required Phase II EVR System installation will be completed.
3. Receive a District approved EVR Compliance Plan prior to April 1, 2009.
4. If GDF application has already been filed and construction will not be completed by April 1, 2009, only an EVR Compliance Plan is required.
5. Complete the Phase II EVR System installation pursuant to the date and information provided on approved EVR Compliance Plan.
6. Incur daily civil penalty after April 1, 2009 until the project is complete in accordance with the following schedule:
 - a. 2008 dispensing volume is less than 600,000-gallons/year: \$20 per day
 - b. 2008 dispensing volume is greater than 600,000-gallons/year and less than 1,200,000-gallons/year: \$35 per day
 - c. 2008 dispensing volume is greater than 1,200,000-gallons/year: \$50 per day
7. If you fail to follow your approved EVR Compliance Plan and the District determines that you do not have "good cause" for doing so, the District will pursue an abatement order with the District's Hearing Board and recommend substantial additional penalties.

Option 3:

Do nothing until April 1, 2009, and be tagged "out of service" and unable to dispense gasoline until GDF application and a EVR Compliance Plan has been submitted. A minimum civil penalty of at least \$1,000 will be assessed in addition to a daily civil penalty of \$20 to \$50 for each day after April 1, 2009 until the project is complete. The daily penalty is determined by throughput specified in Option 2-Item 6 above.

Option 4:

Permanently discontinue the sale of gasoline, and complete Section B of EVR Compliance Plan.

TO AVOID PENALTIES; FILE YOUR GDF APPLICATION AND EVR COMPLIANCE PLAN AS SOON AS POSSIBLE BEFORE APRIL 1, 2009. If you have any questions please call the District at: (661) 862-5250.



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Instructions for Completing EVR Compliance Plan

Use of this Form if the EVR Upgrades for Your Facility Will NOT Be Complete by April 1, 2009:

The deadline for upgrading your GDF with underground storage tanks to Phase II EVR is April 1, 2009. If you plan to continue operating your facility after April 1, 2009, the Kern County Air Pollution Control District (District) requires a completed EVR Compliance Plan form with a completed GDF application with a filing fee of \$120 to be filed no later than April 1, 2009. If you have previously filed a GDF application for Phase II EVR, you are required to submit the EVR Compliance Plan.

Purpose of the EVR Compliance Plan:

The District urges GDF operators to start planning now to ensure that their GDF can be operated legally after April 1, 2009. The EVR Compliance Plan will inform the District of the method(s) you will use to comply with the California Air Resources Board (ARB) requirements to install certified Phase II EVR System at your GDF after April 1, 2009. When approved, the plan will be used to check progress towards achieving compliance with the April 1, 2009 deadline for Phase II EVR systems.

Complete the Following before Submitting Your EVR Compliance Plan Form

1. Finalize your plans for upgrading your facility with Phase II EVR system,
2. Decide which ARB certified equipment to install (see list on Plan form),
3. Contact other governmental agencies to determine any additional requirements,
4. Determine availability of reputable certified contractors, and
5. Determine the dates you can reasonably meet for each stage of the upgrade process.

Instruction for completing EVR Compliance Plan Form

Section A

1. Provide information regarding:
 - a. EVR Phase II equipment you considered and selected;
 - b. Government agencies you contacted for appropriate authorization; and
 - c. Contractors you have contacted and evaluated for completing the upgrades; make sure the contractors you hire have all required qualifications.
 - d. Provide the dates you plan to complete the tasks listed. Make every effort to ensure that the tasks are completed before the stated dates. Failure to meet any of the dates listed may result in enforcement actions and fines.
2. Read the declaration carefully. The declaration states clearly that the GDF cannot be legally operated after April 1, 2009 without a certified and tested Phase II EVR system, and that state laws allow for significant fines in cases of non-compliance. Please be aware that signing this declaration does not automatically preclude the right to seek administrative relief from the Hearing Board.
3. Sign and date the form.

Section B if you are planning to cease operation of the GDF and irrevocably surrender the permit by April 1, 2009:

1. Read the declaration carefully. The declaration states clearly that you plan on ceasing operation of the GDF and irrevocably surrender the permit on or before April 1, 2009, and that State laws allow for significant fines in cases of non-compliance.
2. Sign and date the form.



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EVR COMPLIANCE PLAN

Facility Information

Business Name (as it appears on the Permit):			District Permit No:	
Site Location/Address:	City:	Zip:	Phone:	

Please read the instructions for completing this Form before proceeding to:

- Complete Section A, if you plan on continuing operation after April 1, 2009; or
- Complete Section B, if you plan on ceasing operation after April 1, 2009.

If Completing Section A, this Form must be complete and submitted with a completed Gasoline Storage and Dispensing Facilities Application, (available at <http://www.kernair.org/forms1.htm>) and a fee of \$120 by April 1, 2009. Submit the forms to 2700 "M" Street, Suite 302, Bakersfield California 93301.

Section A - Compliance Plan for Implementation of Phase II EVR

Phase II EVR Systems considered (check all applicable):	Governmental Agency contacted (check all applicable):
Healy System without ISD:	Air Pollution Control District: GDF Application Filed:
Healy System with Veeder Root ISD:	If ATC Application has been filed only complete EVR Compliance Plan
Healy System with INCON ISD:	Fire Department:
VST System without ISD:	City Building and Planning Department:
VST System with Veeder Root ISD:	CUPA or Environmental Health:

Contractor Information: (Ask for all required certifications before hiring a contractor)

Type	Name of Contractor Contacted	Contract Signed
Installation		Yes: Date: Not yet signed:
Testing		Yes: Date: Not yet signed:

Compliance Dates:

Task	To be Completed no later than (date)	Completion Date (if already completed)
Submit Complete Permit Application Packages To All Applicable Government Agencies		
Place Purchase Order for ARB Certified Phase II EVR System		
Sign Contract for Installation of ARB Certified Phase II EVR System		
Sign Contract for Testing of ARB Certified Phase II EVR System		
Start Date of Equipment Installation		
Start Date of Testing Phase II EVR Equipment		



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Signed Declaration for Continued Operation:

As owner/operator of this gasoline storage and dispensing facility, I understand that this facility will not be allowed to dispense gasoline without submittal of an EVR Compliance Plan, a Gasoline Storage and Dispensing Facility application with a \$120 filing fee before April 1, 2009. Additionally, operating the facility is in violation state law; this action may result in criminal or civil penalties as provided for under California Health and Safety Code § 42400 et seq., This declaration does not preclude my right to seek administrative relief under Regulation V – Procedure before the Hearing Board.

Name: _____ Title: _____

Signature: _____ Date: _____

Owner

Operator

Section B. Declaration to Irrevocably Surrender the Permit to Operate

(Application fee is not required if completing this section)

Signed Declaration for Ceasing Operations

As owner/operator of this gasoline storage and dispensing facility, I declare that by signing below I am irrevocably surrendering the Permit To Operate the gasoline dispensing equipment and will cease dispensing gasoline at this location as of the above stated date. Therefore, I do not plan to upgrade this gasoline dispensing facility to Phase II EVR System. I understand that this facility will not be allowed to dispense gasoline without a ARB certified Phase II EVR System on or after April 1, 2009, and that a violation of this requirement may result in criminal or civil penalties as provided for under California Health and Safety Code § 42400 et seq., of \$25,000 per day or higher.

Permit No(s): _____ Date Ceasing Operations: _____ No later than April 1, 2009

Name: _____ Title: _____

Signature: _____ Date: _____

Owner

Operator