



Form 461-CP

Rule 461(i) Compliance Plan for Upgrading to Phase II Enhanced Vapor Recovery System

Mail Application To: P.O. Box 4944 Diamond Bar, CA 91765 (909) 396-3385

Tel: (909) 396-3385

www.aqmd.gov

This form is to be submitted to the address in the upper right corner of this form with AQMD Form 400-A

Facility Information

1. Facility Name as it Appears on the Permit: 2. Valid AQMD Facility ID (Available on Permit or Invoice issued by AQMD): 3. Equipment Site Location Address: Street Address City State Zip Code

Please read the instructions for completing this Form 461-CP before proceeding to:

- Complete Section A, if you plan on continuing operation after March 31, 2009; or Complete Section B, if you plan on ceasing operation after March 31, 2009.

This Form must be completed and submitted with a completed Form 400-A (available at http://www.aqmd.gov/permit/forms.html#basic) and a fee of \$224.60 by October 1, 2008.

Section A - Compliance Plan for Implementation of Phase II Enhanced Vapor Recovery

Informational Data: (Note: this information will not be incorporated into the compliance plan, if approved; providing this information is voluntary.)

Table with 2 main columns: Phase II EVR Systems considered (check all applicable) and Governmental Agency contacted (check all applicable). Rows include Healy System without/with Veeder Root/INCON/VST, and Other.

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

Table with 4 columns: Type, Name of Contractor Contacted, Selected (Yes/No), Contract Signed (Yes/Date/Not yet signed). Rows for Installation and Testing.

Compliance Dates: (Will be incorporated under the Compliance Plan, if approved)

Table with 3 columns: Task, To be Completed no later than, Completion Date (if already completed). Rows include Submit Complete Permit Application Packages, Place Purchase Order for CARB Certified Phase II EVR System, Sign Contract for Installation/Testing, Start Date of Equipment Installation/Testing.

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 a CARB certified Phase II Enhanced Vapor Recovery 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. This declaration does not preclude my right to seek administrative relief under Regulation V – Procedure before the Hearing Board.

Signature: _____ Date: _____

Name: _____ Title: _____

Section B. Declaration to Irrevocably Surrender the Permit to Operate *(No application fee is required if completing this section)*

Signed Declaration for Ceasing Operations:

As owner/operator of this gasoline storage and dispensing facility, I declare that I will cease dispensing gasoline at this location as of the above stated date, and that by signing below I am irrevocably surrendering the permit to operate the gasoline dispensing equipment as of the above stated date. Therefore, I do not plan to upgrade this gasoline dispensing facility to Phase II Enhanced Vapor Recovery System. I understand that this facility will not be allowed to dispense gasoline without a CARB certified Phase II Enhanced Vapor Recovery 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: _____ Date Ceasing Operation: _____
(no later than April 1, 2009)

Signature: _____ Date: _____

Name: _____ Title: _____

Instructions for Completing Form 461CP - Rule 461(i) Compliance Plan

Use of this Form:

The deadline for upgrading gasoline dispensing facilities (GDFs) with underground storage tank to Phase II Enhanced Vapor Recovery (EVR) systems is April 1, 2009. The South Coast Air Quality Management District (AQMD) Governing Board amended Rule 461 – Gasoline Transfer and Dispensing to require all GDFs operators subject to this deadline to submit a compliance plan if the required upgrade has not been completed by October 1, 2008. This Form lists the information required for the approval of the compliance plan. This completed form is to be filed no later than October 1, 2008 with a completed Form 400A – Application for Permit to Construct and Permit to Operate, and a filing fee of \$224.60. (*Note: this is in addition to the requirement for a permit to construct for the Phase II EVR upgrades.*)

Alternate Use of this Form:

In lieu of submitting a compliance plan, Rule 461(j) allows a GDF operator to incorporate into its permit application an increment of progress towards completing the installation of CARB Phase II EVR system. This alternative means of compliance is available until September 1, 2008. This Form may be used to list the information required for the approval of the permit application in cases where the operator opt for this alternative compliance. In that case, this completed form is to be filed no later than September 1, 2008 with a completed Form 400A – Application for Permit to Construct and Permit to Operate, and an application filing fee of \$1,287.22 (no additional fee for the compliance plan).

Purpose of the Compliance Plan:

The AQMD urges GDF operators to start planning now to ensure that the GDF can be operated legally on and after April 1, 2009. The Compliance Plan is for you to demonstrate how you will achieve compliance by April 1, 2009 with requirements adopted by the California Air Resources Board (CARB) for installing certified Phase II Enhanced Vapor Recovery (EVR) Systems at all GDFs. When approved, the plan will be used to check progress towards achieving compliance with the April 1, 2009 deadline for Phase II EVR systems.

Things to do before completing Form 461CP

You must finalize your plan for upgrading your facility with Phase II EVR systems before completing Form 461CP and filing for the compliance plan or incorporating the increment of progress (IOP) under a permit to construct and operate. You need to decide on which CARB certified equipment to install, inquire on the permit requirements from other governmental agencies in addition to the AQMD, assess ability and availability of contractors, and determine the dates that you can reasonably meet for each stage of the upgrade process.

Instruction for completing Form 461CP

Complete Section A if you are planning to install Phase II EVR before April 1, 2009.

- ✓ Provide information regarding:
(*Note: this information will not be incorporated into the compliance plan; providing this information is voluntary.*)
 - EVR Phase II equipment you considered and selected;
 - Government agencies you contacted for appropriate authorization; and
 - Contractors you have contacted and evaluated for completing the upgrades; make sure the contractors you hire have all required certifications.
- ✓ Provide the dates you plan to complete the tasks listed. Please note that these dates will be incorporated in the approved compliance plan. Therefore, you need to 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. The dates must meet the following criteria:
 - Application dates must be at least 2 months prior to the planned start of construction;
 - Equipment must be ordered no later than 7 days after all permits are received;
 - Date for signing of contracts for installation and testing must be no less than one month prior to the planned construction start date;
 - Date for starting installation must be on or before March 1, 2009; and
 - Date for starting equipment testing must be on or before March 21, 2009.
- ✓ Read carefully the declaration. 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-compliant. However, signing of this declaration does not automatically preclude the right to seek administrative relief from the Hearing Board.
- ✓ Sign and date the form.

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

- ✓ Read carefully the declaration. 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-compliant.
- ✓ Sign and date the form.

Frequently Asked Questions For FORM 461-CP

Who Must File a Form 461-CP – Rule 461(i) Compliance Plan?

Rule 461 (i) of the South Coast Air Quality Management District requires all owners/operators of an existing GDF that has not completed the installation of a certified Phase II enhanced vapor recovery system by October 1, 2008 to apply for a Compliance Plan on or before October 1, 2008.

What are the criteria for delaying upgrade to Phase II EVR?

A GDF owner/operator may apply for a permit to delay upgrade to Phase II EVR until April 1, 2012 if all of the following criteria are met:

- a. The GDF is a non-retail facility serving only ORVR equipped vehicle (except for vehicle used in an emergency);
- b. The GDF is installed with nozzles that are CARB certified; and
- c. At least fifty percent of underground storage tanks operated by the same operator is equipped with pressure monitors and the tank pressures are recorded.

Equipment dispensing E85 is also granted a delay until April 1, 2012.

Is there alternative to submitting an application for a Compliance Plan?

Yes, an application for permit to construct and operate a GDF with certified Phase II equipment incorporating an IOP can be submitted to the District on or before September 1, 2008. After this date, a compliance plan must be submitted before October 1, 2008 unless the GDF is already equipped with a certified Phase II EVR system by the October date.

What is the Application Process?

For those who are filing a modification application which includes an IOP, the following items must be completed on or before September 1, 2008:

- a. Form 400-A
- b. Form 400-CEQA
- c. Form 400-E-11
- d. Form 461-CP
- e. Filing fee of \$1,287.22

For those who are filing a compliance plan separate from the application to modify and upgrade the GDF with Phase II EVR, the following items must be completed on or before October 1, 2008:

- a. Form 400-A
- b. Form 461-CP
- c. Filing fee of \$224.60 (Not applicable if completing Section B of Form 461-CP for permanently ceasing operations)

An incomplete application package will result in rejection of the entire application. File the application early to avoid last minute errors and rejection. Having an application rejected is the same as not having submitted one and may result in enforcement action if the subsequent application does not meet the deadline.

Is there a way to expedite permit processing by the AQMD?

A GDF operator may request Express Permit Processing for an application. In that case, the following items must be submitted:

- a. Form 400-A
- b. Form 400-XPP
- c. Form 400-CEQA
- d. Form 400-E-11
- e. Form 461-CP
- f. Filing fee of \$ 1,930.83

I submitted a permit application incorporating IOP on or before September 1, 2008, what if my permit application is denied by SCAQMD?

You may file a modified permit application plan to address all deficiencies to avoid filing a separate application for a compliance plan provided that the subsequent application is submitted on or before October 1, 2008 or within 14 days of the initial application denial date, whichever is later. After this deadline, separate applications for permit and compliance plan must be filed. Failure to submit an approvable plan within 30 days after the initial compliance plan or the initial application was denied by the Executive Officer will be a violation of Rule 461 (i) and/or (j) and may result in enforcement action.

What if I miss the deadline for filing a compliance plan?

Failure to submit an approvable compliance plan by October 1, 2008 is a violation of Rule 461 (i) and may result in enforcement action.

What if my Compliance Plan is not approved by SCAQMD?

You will have 30 days to submit a modified plan to address all deficiencies. Failure to submit an approvable plan within 30 days of the denial of a compliance plan application is a violation of Rule 461 (i) and may result in enforcement action.

What if I miss any dates specified in the Increment of Progress or in the compliance plan?

Failure to adhere to any of the dates set forth in an approved compliance plan or a permit condition is a violation of Rule 461 (i) or (j) and may result in enforcement action. You may file for a modification to the compliance plan or permit condition if you know ahead of time that some dates are delayed and there is still adequate time for the changes. If delays are beyond your reasonable control, you may apply to the Hearing Board for variance from the date(s) set forth in the plan or permit condition.

What if I encounter problems with equipment order or installation?

AQMD and CARB staff will monitor equipment availability and installation issues. Call (866) 770-9140 to report issues related to equipment ordering and installation. In addition, CARB should be notified using the form available at their website (<http://www.arb.ca.gov/vapor/equipcontavail062207.pdf>)

What can I expect after submitting the compliance plan?

AQMD will review the submittal. You will be contacted if any clarification is needed. If approvable, the appropriate compliance plan or a permit to construct incorporating the IOP will be issued and mailed to you. If not approvable, the application will be denied. In which case, you will be notified by mail and you will have 30 days to re-file a compliance plan that meets the requirements. Failure to do so is a violation of Rule 461(i) and may result in enforcement action.