

**ENGINEERING EVALUATION
AUTHORITY TO CONSTRUCT APPLICATION**

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dba The Alameda

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Project Location: 404 The Alameda
San Juan Bautista, CA 95045

Application: APP-26-00004

Coordinates: Latitude: 36.840239
Longitude: -121.532825

SIC No.: 5541 (Gasoline Service Station)
NAICS No: 457110 (Gasoline Station With Convenience Stores)
SCC No: 40600403 & 40600306 (Gasoline Retail Operation- Stage I & Filling Vehicles
Gas Tanks-Stage II Vapor Loss controlled)

Engineer: Fernando Pena

Evaluation Date: August 21, 2026

I. PROPOSAL DESCRIPTION

SJB Development, LP dba The Alameda has submitted an application for an Authority to Construct to install a new gasoline and E85 fuel dispensing facility (GDF) located at 404 The Alameda in San Juan Bautista, California. The proposed project includes the installation and operation of California Air Resources Board (CARB)-certified Enhanced Vapor Recovery (EVR) Phase I and Phase II vapor recovery systems, in accordance with CARB Executive Orders (EOs) VR-102, VR-204, and G-70-212, latest editions.

The proposed GDF will dispense both gasoline and E85 fuel and will be equipped with the required EVR components to control gasoline vapor emissions during fuel delivery and vehicle refueling operations. The facility is located within 1,000 feet of the outer boundary of a K-12 school, San Juan Elementary School.

Therefore, the project is subject to the applicable public notification and school proximity requirements of CA Health and Safety Code §42301.6.

II. APPLICABLE RULES

Rule 200:	Permits Required
Rule 207:	Review of New and Modified Stationary Sources
Rule 218:	Title V Operating Permits
Rule 221:	Federal Prevention of Significant Deterioration
Rule 222:	Federal Minor New Source Review
Rule 300:	MBARD Fees
Rule 400:	Visible Emissions
Rule 402:	Nuisance
Rule 417:	Storage of Organic Liquids
Rule 418:	Transfer of Gasoline Into Stationary Storage Containers
Rule 436:	Title V: General Prohibitory Rule
Rule 1000:	Toxic Air Contaminants
Rule 1002	Transfer of Gasoline into Vehicle Fuel Tanks

ARB – Benzene Airborne Toxics Control Measure (ATCM) for Retail Service Stations

Subpart Kc—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After October 4, 2023.

40 CFR Part 63, Subpart CCCCCC, NESHAPS –National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

CA Health & Safety Code, Section 42301.6 – Public Notice

III. PROCESS DESCRIPTION

Gasoline & E85 Fuel Dispensing Facility:

Phase I Vapor Recovery System

One (1) 20,000-gallon split underground storage tank (UST) consisting of a 14,000-gallon gasoline compartment and a 6,000-gallon gasoline compartment both equipped with an OPW EVR dual point Phase I system, and one (1) 20,000-gallon split underground storage tank (UST) consisting of a 14,000-gallon exempt diesel compartment and a 6,000-gallon E85 fuel compartment equipped with an OPW EVR dual point Phase I system. Systems to be installed in accordance with CARB EO VR-102, latest edition.

Phase II Vapor Recovery System

Six (6) Gilbarco Encore 700 dispensers, all six dispensers deliver gasoline, and two dispensers deliver both gasoline and E85 fuel. The gasoline dispensing system will be equipped with a Veeder-Root Enhanced Vapor Recovery (EVR) Vapor Polisher and a Veeder-Root In-Station-Diagnostic (ISD) system exclusively serving the gasoline storage and dispensing equipment. Systems to be installed in accordance with CARB EO VR-204 and G-70-212, latest editions.

IV. DESIGN REVIEW AND EMISSIONS CALCULATIONS

The applicant has requested a maximum annual fuel throughput limit of less than 2,000,000 gallons, consisting of less than 1,800,000 gallons of gasoline and up to 200,000 gallons of E85 fuel. E85 fuel is composed of approximately 85 percent ethanol and 15 percent gasoline. For conservative emission estimation purposes, the facility's entire annual throughput of 2,000,000 gallons was assumed to consist of 100 percent gasoline for the calculation of both criteria pollutant and toxic air contaminant emissions.

The gasoline dispensing facility (GDF) is equipped with Enhanced Vapor Recovery (EVR) Phase I and EVR Phase II vapor recovery systems to control VOC and toxic emissions during fuel transfers and vehicle refueling operations. The EVR Phase I captures gasoline vapor displaced from the underground storage tanks during fuel unloading and returns those vapors to the cargo tank of the delivery truck, thereby minimizing vapor emissions during fuel transfer operations. The EVR Phase II system utilizes EVR-certified low-permeation hoses, low drip nozzles and vapor recovery components to reduce spillage and permeation losses during the vehicle refueling.

In addition, the facility will be equipped with a Veeder-Root Vapor Polisher, a high-capacity activated-carbon canister designed to further reduce gasoline vapor emissions from the underground storage tanks. When fuel vapors expand during deliveries or due to temperature increases, the canister strips out and traps the gasoline, preventing it from escaping into the environment. Conversely, when a natural vacuum is created as the liquid level decreases, the system sucks the trapped gasoline back out of the activated carbon returns it to the storage tank.

Furthermore, the underground storage tanks provide inherent thermal insulation, reducing fuel temperature fluctuations and the associated generation of gasoline vapors. The EVR pressure/vacuum (P/V) vent valves maintain both positive and negative pressure within the storage tanks during normal operations, further limiting vapor losses by retaining gasoline vapors within the storage system and reducing venting to the atmosphere. Collectively, these emission control technologies substantially reduce VOC and toxic air contaminant emissions from facility operations.

In addition to start-up testing, the components that make up Phase I and Phase II are required to be tested yearly, and the Pressure/Vacuum (P/V) Vent Valve must be tested every three years to ensure the emission controls work per manufacturer specifications, and per CARB, and EPA requirements.

The California Air Pollution Control Officers Association's (CAPCOA) *Service Station Industrywide Risk Assessment Technical Guidance* (February 2022), was used to estimate the Volatile Organic Compounds (VOC), a criteria pollutant, from the operations. Table 1 summarizes the emission factors for a gasoline service station with EVR Phase I and Phase II.

Table 1. VOC Emissions Factors For Underground Storage Tank With EVR Phase I & EVR Phase II

Emission Process	Emission Factor (lbs/1000 gal) ¹
Loading	0.15
Breathing	0.024
Fueling	0.089
Spillage	0.24
Hose Permeation	0.009

Notes:

1. Table 9, Emission Factors per Gasoline Station Scenario, Scenario 1, EVR Phase I and EVR Phase II “Gasoline Service Station Industrywide Risk Assessment Technical Guidance” published by CAPCOA, dated February 2022.

Per the CAPCOA Service Station Industrywide Risk Assessment Technical Guidance, Table 10, for a facility with an annual throughput of 2,000,000 gallons, the recommended maximum hourly fuel loading rate is 8,800 gallons per hour and the recommended maximum fuel dispensing rate is 700 gallons per hour. These process rates were used to estimate the facility’s maximum hourly emissions in Table 2 below.

Table 2. VOC Emissions: Maximum 1-Hour, Daily and Annual Emissions

Emission Process	Emission Factor (lbs/1000 gal)	1-Hour Max Hourly Rate (lb VOC/hr)	PTE Daily Avg. Emissions (lb VOC/day) ³	PTE Yearly Emissions (lb VOC/yr) ⁴	PTE Yearly Emissions (ton VOC/yr)
Loading Tank	0.15	1.32 ²	0.82	300	0.15
Breathing Tank	0.024	0.02 ¹	0.13	48	0.02
Fueling	0.089	0.06 ¹	0.49	178	0.09
Spillage	0.24	0.17 ¹	1.32	480	0.24
Hose Permeation	0.009	0.01 ¹	0.05	18	0.01
Total			2.81	1024	0.51

Notes:

1. The 1-hour max hourly rate was estimated by multiplying the emission factor for each emission process for breathing, fueling, spillage, and hose permeation times the max dispensing rate, which is 700 gal/hr, the max dispensing rate obtained from Table 10, Estimated Maximum Hourly Throughput by Annual Throughput from “Service Station Industrywide Risk Assessment Technical Guidance,” published by CAPCOA dated February 2022.
2. The 1-hour max hourly rate was estimated by multiplying the emission factor for loading times the max loading rate, which is 8800 gal/hr, the max loading rate obtained from Table 10, Estimated Maximum Hourly Throughput by Annual Throughput from “Service Station Industrywide Risk Assessment Technical Guidance,” published by CAPCOA dated February 2022.
3. The average daily emission is based on the maximum yearly emissions divided by 365 days in a year.
4. The maximum yearly potential emission is based on 1,999,999 gallons per year throughput limit selected by the applicant.

V. RULE COMPLIANCE

The following MBARD rules apply to the operation as specified:

MBARD Rule 200 – Permits Required

The purpose of this Rule is to identify when MBARD permits are issued. The provisions of this Rule shall apply to any person who builds, erects, alters, or replaces any article, machine, equipment or other contrivance which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants.

Pursuant to Section 3.1, no person shall build, erect, alter, or replace any article, machine, equipment or other contrivance which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants unless the facility owner or operator has obtained a

separate written Authority to Construct for each permit unit from the Air Pollution Control Officer. An Authority to Construct shall remain in effect until the Permit to Operate the equipment for which the application was filed is granted or denied or the application is cancelled.

Exceptions to MBARD Rule 200 are identified in MBARD Rule 201.

MBARD Rule 207 – Review of New or Modified Sources (as adopted on 4/20/2011)

This Rule provides for the review of new and modified stationary air pollution sources to meet requirements for the review of new and modified stationary sources (NSR) and for the Prevention of Significant Deterioration (PSD), under the provisions of the Federal Clean Air Act; and requirements for NSR under the provisions of the California Clean Air Act. The intent of this Rule is to ensure that the most stringent requirements of these programs shall be applied.

This Rule shall apply to all new stationary sources and all modifications to existing stationary sources which, after construction or modification, emit or have the potential to emit any affected pollutants.

Rule 207 Review of New and Modified Sources, Section 1.3.1 exempts gasoline dispensing storage and dispensing equipment that is subject to Rule 418 Transfer of Gasoline into Stationary Storage Containers and Rule 1002 Transfer of Gasoline into Vehicle Fuel Tanks, from the requirements of Rule 207 (NSR). This facility is subject to both Rules 418 and 1002, hence it is exempt from Rule 207 requirements.

MBARD Rule 218 – Title V: Federal Operating Permits

Title V is not applicable to this facility since this rule only applies to a stationary source which has the potential to emit (PTE) air contaminants equal to or in excess of the threshold for a major source of regulated air pollutants (100 tons/yr) or a major source of hazardous air pollutants (25 tons/yr combination HAPs or 10 tons/yr single HAP). *Table 2 shows the PTE for this facility does not trigger the above-mentioned thresholds.*

MBARD Rule 221 – Federal Prevention of Significant Deterioration

The proposed project does not meet the definition of a new major stationary source, or a major modification to an existing stationary source. Since the Prevention of Significant Deterioration (PSD) program only applies to new major stationary sources, or major modification to stationary sources, this project is not subject to Rule 221.

MBARD Rule 222 – Minor New Source Review

This Rule provides for the review of new and modified stationary air pollution sources to meet the requirements for the review of such sources, under the new source review (NSR) provisions of the federal Clean Air Act. This Rule provides mechanisms by which Authorities to Construct may be granted to such sources without interfering with the attainment or maintenance of ambient air quality standards.

This Rule shall apply to any new or modified stationary source that emits an air pollutant (or its precursors) subject to any National Ambient Air Quality Standard (NAAQS).

Compliance with the New Source Review (NSR) provisions of the California Clean Air Act, as defined in MBARD Rule 207, ensures compliance with MBARD Rule 222, Federal Minor NSR.

MBARD Rule 300 – Fees

According to the MBARD Fee Determination Protocol, revised and affirmed by the Board in 2022, fees for gasoline dispensing facility with a throughput limit of less than 2,000,000 gallons per year will be assessed as a fee category of 706, as outlined in the Source Category for Gasoline Dispensing Facilities. Table 3 shows the PTE emissions for the gasoline dispensing facility and its associated fee category.

Table 3. PTE for Gasoline Dispensing Facility

NO _x	0.00
VOC	0.51
CO	0.00
SO _x	0.00
PM	0.00
PTE Emissions (tons/yr)	0.51
Fee Category	706

MBARD Rule 400 – Visible Emissions:

The purpose of this Rule is to provide limits for the visible emissions from sources within the MBARD. The provisions of this Rule shall apply to all sources of air pollutant emissions in the MBARD.

According to MBARD Rule 400 Section 3.1, no air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark or darker than Ringelmann 1, or equivalent 20% opacity. This requirement will be included as permit conditions.

MBARD Rule 402 – Nuisance:

The purpose of this Rule is to provide an explicit prohibition against sources creating public nuisances while operating within the MBARD. The provisions of this Rule shall apply to all sources of air pollutant emissions within the Air MBARD.

According to MBARD Rule 402, Part 3, no person shall discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public; or which endanger the comfort, repose, health, or safety of any such persons or the public; or which cause, or have a natural tendency to cause, injury or damage to business or property. This requirement will be included as a permit condition.

MBARD Rule 417 – Storage of Organic Liquids

The purpose of Rule 417 is to limit the emissions of organic solvent vapors from the storage of organic liquids. The provisions of this Rule shall apply to any container used to store organic liquids unless specifically exempted by this Rule.

Exemptions

The proposed 14,000-gallon, and 6,000-gallon gasoline tank, and the 6,000-gallon E85 storage tank exceed the capacity of 2,000 gallons, per Section 1.3.2, to be exempt from Sections 3.2 Storage of Organic Liquids and 3.2 Storage of Gasoline, of this Rule. Hence these storage tanks are subject to Rule 417.

Section 3.2 Storage of Gasoline

No person shall place, store or hold in any above-ground container any gasoline unless such container is equipped with a vapor loss control device which complies with the requirements set forth in Section 3.1, *Storage of Organic Liquids*.

Section 3.1 requires that no person place, store or hold in any container any organic liquid unless such container is designed and equipped with one of the vapor loss control devices described in Sections 3.1.1, 3.1.2, 3.1.3, or 3.1.4.

Compliance Requirements from Section 3.1

The facility can comply with Section 3.1.3; a vapor recovery and disposal system meeting the following requirements of Section 3.1.3.1, 3.1.3.2, & 3.1.3.3 outlined below:

- The vapor recovery system is capable of collecting and processing the organic vapors and gases, so as to prevent their emission to the atmosphere with an efficiency of at least 95 percent by weight.

The requirement of subsection 3.1.3.1 will be met by the underground storage tanks (UST) natural thermal stability and EVR P/V Vent Valve preventing breathing and standing losses, EVR Phase I outlined in CARB Executive Order VR-102 and EVR Phase II outlined in CARB Executive Order VR-204 to prevent emission during active transfers. Testing will be conducted under CP-201 Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Underground Storage Tanks.

- Any tank gauging or sampling device on a tank vented to the vapor recovery system shall be equipped with a gas tight cover which shall be closed at all times except during gauging or sampling.

This requirement of subsection 3.1.3.2 will be included as permit condition.

- All piping, valves and fittings shall be constructed and maintained in a gas-tight condition, such that no organic vapor or liquid leaks are detectable. The term leak is defined in Section 2.4, as the uncontrolled release of liquids or vapors to the environment, including the escape of liquid at a rate of three drops per minute or more, or as a visible spray or mist and including any vapor leak which produces a concentration of 10,000 parts per million volume, when tested by an instrument calibrated with methane in accordance with EPA Method 21.

The permit will be conditioned to remain leak free, and vapor leak detection shall be performed using EPA Method 21 as specified in Part 5, Section 5.6

Section 3.1, *Storage of Organic Liquids* requires that no person place, store or hold in any container any

organic liquid unless such container is designed and equipped with one of the vapor loss control devices described in Sections 3.1.1, 3.1.2, 3.1.3, or 3.1.4. **Per section 1.3.1.2 storage tanks that have less than 39,630 gallons capacity, are not subject to Section 3.1. However, per Section 3.2, *Storage of Gasoline* requires that no person shall place, store or hold in any above-ground container any gasoline unless such container is equipped with a vapor loss control device which complies with the requirements set forth in Section 3.1.**

MBARD Rule 418 – Transfer of Gasoline Into Stationary Storage Containers

The purpose of this Rule is to limit the emissions of vapors of gasoline from the transfer of gasoline from delivery vessels into stationary storage containers.

Applicability

Per Section 1.3.1, the provisions of Section 3.1 this Rule shall apply to any transfer of gasoline into a stationary storage container unless specifically exempted by this Rule. The proposal to install a new stationary UST does not qualify for any of the exemptions for Section 3.1. Hence Section 3.1 requirements apply.

References

Per Section 1.5, the requirements of this Rule arise from the provisions of the California Clean Air Act and amendments (Health and Safety Code Section 40910 et seq.) and the Federal Clean Air Act and amendments (42 U.S.C. Section 7401 et seq.)

Transfer Into Storage Containers

Section 3.1, a person shall not transfer or permit the transfer of gasoline from any delivery vessel (i.e. tank truck or trailer) into any stationary storage container with a capacity of 250 gallons or more unless such container is equipped with a permanent submerged fill pipe and such transfer is made through an ARB-Certified Vapor Recovery System.

The tank will be equipped with a submerged fill pipe and transfer will be made through a CARB-certified vapor recovery system (Executive Order VR-102)

Gasoline Delivery Vessels

Section 3.2, requires that a person shall not store gasoline in or otherwise use or operate any gasoline delivery vessel unless such vessel is designed and maintained to be vapor tight. Vapor tightness shall be determined according to the test method or specification cited in Section 5.2 of this Rule. Any delivery vessel into which gasoline vapors have been transferred shall be refilled only at a loading facility that is equipped with a system that prevents at least 90 percent of the weight of the gasoline vapors displaced from entering the atmosphere.

The facility's permit will be conditioned such that no gasoline delivery vessel shall be operated or be allowed to operate unless valid State of California decals are displayed on the cargo container, which attest to the vapor integrity of the container.

Record Keeping Requirements

Section 4.1 requires owners or operators of each gasoline storage facility subject to this Rule, and of each facility exempted from the requirements of Section 3.1 of this Rule pursuant to Section 1.3.1.2, to maintain records showing the quantity of all gasoline delivered to the facility. These records shall be retained for at least five years in a readily accessible location and shall be made available to the MBARD upon request.

This recordkeeping requirements of Section 4.1 will be included as permit conditions.

MBARD Rule 436 – Title V: General Prohibitory Rule

The purpose of this Rule is to provide federally enforceable potential to emit limitations limiting emissions below the thresholds requiring Federal Title V operating permits under Rule 218.

Table 4. Facility PTE emissions (tons per year)

Equipment Description	NOx	VOC	CO	SOx	PM	PM ₁₀	PM _{2.5}
	(ton/yr)	(ton/yr)	(ton/yr)	(ton/yr)	(ton/yr)	(ton/yr)	(ton/yr)
APP-26-00006 GDF	0.00	0.51	0.00	0.00	0.00	0.00	0.00
Total	0.00	0.51	0.00	0.00	0.00	0.00	0.00

The General Applicability of this Rule shall apply to any stationary source which would, if it did not comply with the limitations set forth in this rule, have the potential to emit air contaminants equal to or in excess of the threshold for a major source of regulated air pollutants or a major source of hazardous air pollutants (HAPs) and which meets one of the following conditions:

Title V is not applicable because this rule only applies to a stationary source which has the potential to emit air contaminants equal to or in excess of:

- 100 tons/year of criteria pollutants, or
- 25 tons/year of combined hazardous air pollutants combination, or
- 10 tons/year for any single HAP.

Table 4 shows that the annual potential emissions are below the applicability thresholds.

Pursuant to Section 1.2 and 3.1 the facility is exempt from Title V permitting process because it is expected that the actual emissions, will not exceed, in every 12-month period the following:

- 50 tons per year for regulated (criteria) pollutants
- 5 tons single Hazardous Air Pollutant (HAP) per year
- 12.5 tons per year of any combination of HAPs per year, or
- 50% of any lesser threshold for a single HAP as the EPA may establish.

Table 4 shows that the annual potential emissions are below the applicability thresholds.

Section 1.3.2.1, allows an exemption from Title V Recordkeeping requirements of Part 4 if actual emissions do not have the potential to exceed in every 12-month period the following limits:

- 5 tons per year for a regulated (criteria) pollutant

- 2 tons single Hazardous Air Pollutant (HAP) per year
- 5 tons per year of any combination of HAPs per year, or
- 20% of any lesser threshold for a single HAP as the EPA may establish.

Table 4 shows the annual potential emissions are below the applicability thresholds. The facility is entitled to the exemption from recordkeeping requirements of Rule 436 Part 4. Furthermore, the operation meets the exemption for the following throughput, per Section 1.3.2.2.3 of less than 4,400,000 gallons of gasoline dispensed in a 12-month period equipped with Phase I and Phase II.

A facility is entitled to the exemption from Reporting Requirements of Part 5, pursuant to Section 5.2, if actual emissions, based on annual renewal information sheets, will not exceed in every 12-month period the following quantities:

- 25 tons per year including a regulated air pollutant for which the MBARD has a federal area designation of attainment, unclassified transitional, or moderate nonattainment
- 15 tons per year for regulated (criteria) pollutants for which the MBARD has federal area designation of serious nonattainment.
- 6.25 tons per year for regulated (criteria) pollutants for which the MBARD has federal area designation of severe nonattainment.
- 2.5 tons per year of a single HAP
- 6.25 tons per year of any combination of HAPs
- 25% of any lesser threshold for a single HAP as the U.S. EPA may establish.

As shown in Table 4, the facility is entitled to the exemption from reporting requirements of Rule 436 Part 5.

Rule 1000 – Toxic Air Contaminants:

This Rule applies to any new or modified stationary sources for which an Authority to Construct or a Permit to Operate is required pursuant to MBARD Regulation II - Permits, and which has the potential to emit into the atmosphere any TAC. Whenever a potential TAC may be subject to more than one MBARD Rule, or to more than one requirement in this rule, the requirement resulting in the least hazard to the public, as determined by the Air Pollution Control Officer, shall apply.

MBARD Rule 1000 Part 3 requires new or modified sources of toxic TACs and carcinogenic toxic air contaminants (CATC) to meet the following:

- 3.1.1 The acute hazard index for any target organ or organ system due to TAC emissions from the new or modified permit unit shall not exceed 1.0 at any receptor location;
- 3.1.2 The chronic hazard index for any target organ or organ system due to TAC emissions from the new or modified permit unit shall not exceed 1.0 at any receptor location;
- 3.1.3 The cancer risk due to TAC emissions from the new or modified permit unit shall not exceed 10 in one million at any receptor location.

The operation of the fueling equipment will result in the emission of toxic air contaminants (TAC). However, pursuant to Section 1.3 of this Rule, the provisions of this Rule shall not apply to any Source Category that has an existing State Airborne Toxics Control Measure (ATCM). This facility is subject to

ARB's – Benzene Airborne Toxics Control Measure (ATCM) for Retail Service Stations. This ATCM specially targets benzene emission from gasoline during storage, transfer and dispensing gasoline, hence this facility is not subject to the requirements of Rule 1000.

Nonetheless, due to the toxicity nature of gasoline fuel dispensing the facility may be subject to the requirements of AB2588, Air Toxic "Hots Spots" Information and Assessment Act of 1987 and CA Health & Safety Code, Section 42301.6.

AB2588 – Air Toxic "Hot Spots" Information and Assessment Act

The emission inventory criteria and guidelines reporting requirements of AB2588, which are based upon actual annual emissions from a facility's overall emissions, designates facilities into levels for purposes of update reporting based upon prioritization scores or risk assessment results. To be conservative, the potential TAC emissions from this project were used to determine if the facility may be subject to future reporting in the AB2588 program.

TAC emission profiles were based upon Table 11, "Content of Gasoline for Substances with OEHH Chronic Health Factor (Combined Winter/Summer)" in CAPCOA's *Gasoline Service Station Industrywide Risk Assessment Technical Guidance* (February 2022), summarized in Table 5 below:

Table 5: Gasoline Toxic Speciation of Liquid and Vapor Profiles (Combined Winter/Summer)¹

Pollutant Name	CAS#	Liquid Profile Emissions (lb/lb VOC)	Vapor Profile Emissions (lb/lb VOC)
Benzene	71432	7.07E-03	4.57E-03
Ethyl benzene	100414	1.29E-02	1.07E-03
Hexane	110543	1.86E-02	1.82E-02
Naphthalene	91203	1.74E-03	4.45E-06
Propylene	115071	1.22E-06	3.594E-05
Toluene	108883	5.63E-02	1.11E-02
Xylenes (mixed)	1330207	6.59E-02	4.09E-03

Note:

1. CAPCOA's *Gasoline Service Station Industrywide Risk Assessment Technical Guidance* (February 2022), Table 11.

The calculated annual and 1-hour maximum pollutant emissions are summarized in Tables 6 and 7, respectively, and are based upon a throughput of less than 2,000,000 gallons per year of gasoline and E85 fuel.

Table 6: Yearly Pollutant Emissions per Emission Process

Pollutant	Loading (lb/year) ¹	Breathing (lb/year) ¹	Refueling (lb/year) ¹	Spillage (lb/year) ²	Hose Permeation (lb/year) ¹	Total (lb/year)
Benzene	1.37E+00	2.19E-01	8.13E-01	3.39E+00	8.23E-02	5.88E+00
Ethyl Benzene	3.21E-01	5.14E-02	1.90E-01	6.19E+00	1.93E-02	6.77E+00
n-Hexane	5.46E+00	8.74E-01	3.24E+00	8.93E+00	3.28E-01	1.88E+01
Naphthalene	1.34E-03	2.14E-04	7.92E-04	8.35E-01	8.01E-05	8.38E-01
Propylene	1.08E-02	1.73E-03	6.40E-03	5.86E-04	6.47E-04	2.01E-02

Toluene	3.33E+00	5.33E-01	1.98E+00	2.70E+01	2.00E-01	3.31E+01
Xylenes	1.23E+00	1.96E-01	7.28E-01	3.16E+01	7.36E-02	3.39E+01

Note:

1. The loading, breathing, refueling, and hose permeation emissions for each pollutant were estimated by multiplying the yearly VOC emissions by the vapor toxic profile.
2. The spillage emissions for each pollutant were estimated by multiplying the yearly VOC emissions by the liquid toxic profile.

Table 7: Maximum 1-Hour Pollutant Emission Rate per Emission Process

Pollutant	Loading (lb/1-hr) ¹	Breathing (lb/1-hr) ¹	Refueling (lb/1-hr) ¹	Spillage (lb/1-hr) ²	Hose Permeation (lb/1-hr) ¹	Maximum Total (lb/1-hr)
Benzene	6.03E-03	9.14E-05	2.74E-04	1.20E-03	4.57E-05	7.65E-03
Ethyl Benzene	1.41E-03	2.14E-05	6.42E-05	2.19E-03	1.07E-05	3.70E-03
n-Hexane	2.40E-02	3.64E-04	1.09E-03	3.16E-03	1.82E-04	2.88E-02
Naphthalene	5.87E-06	8.90E-08	2.67E-07	2.96E-04	4.45E-08	3.02E-04
Propylene	4.74E-05	7.19E-07	2.16E-06	2.07E-07	3.59E-07	5.09E-05
Toluene	1.47E-02	2.22E-04	6.66E-04	9.57E-03	1.11E-04	2.52E-02
Xylenes	5.40E-03	8.18E-05	2.45E-04	1.12E-02	4.09E-05	1.70E-02

Note:

1. The loading, breathing, refueling, and hose permeation emissions for each pollutant were estimated by multiplying the hourly max VOC emissions calculated in Table 2 by the vapor toxic profile.
2. The spillage emissions for each pollutant were estimated by multiplying the hourly max VOC emissions by the liquid toxic profile.

As a first step, and in accordance with the Air Pollution Control Officers Association (CAPCOA) AB 2588 Prioritization Guidelines, the simplified facility prioritization scoring methodology was used in lieu of a Health Risk Assessment (HRA). Prioritization scoring procedures are designed to be an overly conservative risk representation compared to a full detailed HRA. Based upon the nearest receptor located **15 meters** away from the source, the facility prioritization scores were calculated and summarized in Table 8.

Table 8. Prioritization Scores (PS)

Risk Category	Prioritization Score (PS)	Corresponding PS Threshold	AB2588 Facility Designation
Acute Risk	4.30E-01	≤ 1	Low Priority
Chronic Risk	3.50E-02	≤ 1	Low Priority
Cancer Risk	1.32E+00	$1 < PS < 10$	Intermediate Priority

As shown in Table 8, the **acute and chronic** prioritization scores are **below 1.0** and **cancer** prioritization score **is greater than 1.0**. Since the cancer prioritization score was greater than 1.0, the next step was to perform a detailed health risk assessment (HRA) to provide a more accurate risk evaluation. The prioritization assessment is included as an attachment to the evaluation.

Lakes Environmental AERMOD was used to model the concentrations for the gasoline and E85 fuel dispensing facility. For the modeling, both breathing and loading emissions were modeled as point sources, fueling, pillage, hose permeation loses were modeled as a volumetric sources emission following the San Joaquin Air Pollution Control District (SVAPCD) training guidelines for gasoline dispensing facilities. The

loading and breathing process are model as individual point source each with UTM coordinate 630794.48 m Easting & 4078149.28 m Northing, the refueling, spillage and hose permeation each was model as individual volumetric source with UTM coordinate 630822.05 m Easting and 4078153.61 m Northing. A receptor grid was created around the school and the residential receptors. The downwash effect was included since the sources are located near 20 feet building who is within the zone of influence. The map used in AERMAP was gathered from WebGIS Dem 7.5-min, and the map type is USGS DEM/CDED for elevated terrain. In addition, AERMET data from San Martin, CA, was applied. The image below is a one-year profile in AERMOD for the gasoline dispensing facility, and in addition it shows the school location, receptor distribution, sources location, and buildings in the zone of influence. The HARP2 Cancer Risk, Chronic Risk, and Acute Risk (non-cancer) analysis was done, for the residential receptors outside the facility boundary and using Table 5 Profiles to estimate the annual values in Table 6 and the 1-hour max values in Table 7.

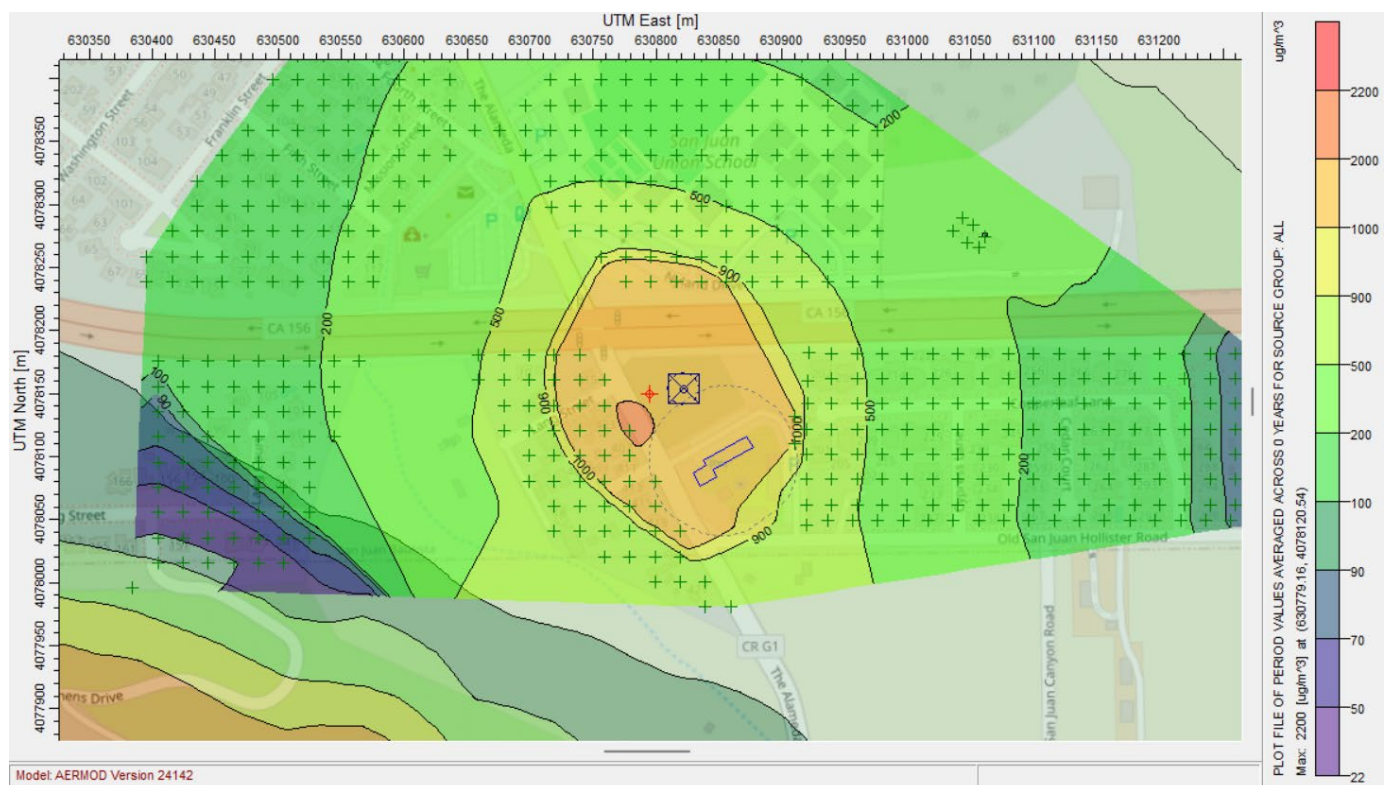


Figure 1: AERMOD Concentration 1-Year Profile for Residential Receptors

Table 9: AERMOD Modeling for Point Sources

Number of Sources	2
Emission Process 1	Loading
Emission Process 2	Breathing
Source UTM X Coordinate (m)	630794.48
Source UTM Y Coordinate (m)	4078149.28
Exhaust Height	12 feet
Exhaust Diameter ¹	2 inches
Exhaust Flow Rate Process 1	0.0015 cfm
Exhaust Flow Rate Process 2	0.0005 cfm
Exhaust Temperature	70 °F

Configuration	Vertical
Process 1 Maximum 1-hr Concentration	6,624.71 $\mu\text{g}/\text{m}^3$
Process 1 Maximum Period Concentration	333.38 $\mu\text{g}/\text{m}^3$
Process 2 Maximum 1-hr Concentration	6623.28 $\mu\text{g}/\text{m}^3$
Process 2 Maximum Period Concentration	333.34 $\mu\text{g}/\text{m}^3$

Table 10: AERMOD Modeling for Volumetric Sources

Number of Sources	3
Emission Process 3	Refueling
Emission Process 4	Spillage
Emission Process 5	Hose Permeation
Source UTM X Coordinate (m)	630822.05
Source UTM Y Coordinate (m)	4078153.61
Release Height	1 m
Length of Side	24 m
Maximum 1-hr Concentration	22,992.82 $\mu\text{g}/\text{m}^3$
Maximum Period Concentration	512.24 $\mu\text{g}/\text{m}^3$

Table 11. Health Risk Assessment Results for Residential Receptors

Risk	Receptor	UTM Location (X, Y)	Risk Result	MBARD Notification and Risk Reduction Audit and Plan Threshold Scores	Was an AB 2588 Notification and Risk Reduction Audit and Plan Triggered
Acute Max Hazard Index	287	(630779.16, 4078120.54)	3.5232E-2	TS > 1	No
Chronic Max Hazard Index	287	(630779.16, 4078120.54)	1.3063E-2	TS > 1	No
Cancer Risk	287	(630779.16, 4078120.54)	3.9993E-6	TS > 10E-06	No

Table 11 summarizes the Health Risk Assessment acute and chronic hazard indices, and the cancer risk score, and MBARD's corresponding facility designations. Based upon the maximum acute and chronic hazard indices of less than 1.0, and the maximum cancer risk of less than 10 in a million, the facility would comply with requirements of Rule 1000, and does not trigger any risk notification and/or risk reduction audits or plans under the State's AB-2588 Air Toxic "Hot Spots" Information and Assessment Act.

The AERMOD and HARP2 results, and input files are saved as attachments in the permit file.

Rule 1002 – Transfer of Gasoline into Vehicle Fuel Tanks:

This Rule complies with California Health and Safety Code section 39666(d) by establishing control requirements for the reduction of benzene emissions from gasoline dispensing facilities.

Section 1.2 indicates that the provisions of this Rule shall apply to any new, or modified, or existing gasoline dispensing facility.

Transfer Requirements & Equipment Requirements; Sections 3.1 & 3.2

Section 3.1 requires that “A person shall not transfer or permit the transfer of gasoline from a stationary storage container into any motor vehicle fuel tank with a capacity of greater than 5 gallons unless such transfer is made through a fill nozzle which captures the gasoline vapors displaced by the transfer and directs them through the nozzle to an CARB-certified vapor recovery system.”

Section 3.2 requires that “A person shall not transfer or permit the transfer, or install or sell equipment for the transfer, of gasoline from a stationary storage container subject to the provisions of Section 3.1 into any motor vehicle fuel tank of greater than 5 gallons unless:

- the vapor recovery system is operating in accordance with the manufacturer's specifications and is maintained to be leak-free, vapor-tight, and in good working order; and
- the equipment subject to this Rule is certified by CARB; and is operated, tested and maintained in accordance with Title 17 of the California Code of Regulations, Sections 94000 et seq., with the CARB Executive Order certifying an applicable system, and any requirements imposed by this Rule.

Compliance with Sections 3.1 and 3.2 is ensured with the proposed installation and operation of a Veeder-Root Enhanced Vapor Recovery (EVR) Vapor Polisher and a Veeder-Root In-Station-Diagnostic (ISD) systems, in accordance with CARB EO VR-204, latest editions.

Inspection and Maintenance Requirements; Section 3.3

Section 3.3 requires that any owner/operator of a gasoline dispensing facility with throughput equal to or greater than 100,000 gallons per year shall implement a maintenance inspection program and document the program with an Inspection Checklist and Equipment Repair Log for the Phase II vapor recovery system. The inspection program shall be as specified in the applicable CARB Executive Order.

Per Section 3.3.1, an Inspection Checklist and Equipment Repair Log shall be kept at the facility for not less than two years and be made available to any person who operates, inspects, maintains, repairs, or tests the equipment at the facility, as well as to MBARD staff upon request.

Per Section 3.3.2, maintenance inspections shall be conducted in accordance with the Inspection Checklist in addition to any CARB Executive Order requirements to ensure proper operating conditions of all components of the Phase II vapor recovery system. Any equipment with a major defect which is identified during the inspection shall be removed from service, and when repaired, replaced or adjusted, entered into the Equipment Repair Log required by Section 4.5.2. The person conducting the maintenance inspection shall utilize the Inspection Checklist developed by the MBARD or a MBARD-approved equivalent form.

The GDF will be required to implement a maintenance inspection program, document the findings in a Daily Log and a Weekly Inspection Check List, and save records for no less than two years.

Posting of Operating Instructions; Section 3.6

Section 3.6 requires that owner/operators of gasoline dispensing facilities requiring a Phase II vapor recovery system shall conspicuously post in the gasoline dispensing area operating instructions for the system and the MBARD's or CARB's telephone number for complaints. The instructions shall clearly

describe how to fuel vehicles correctly with the vapor recovery nozzles, and shall include a warning that topping off may result in spillage or recirculation of gasoline.

MBARD will provide stickers to be attached to the dispensers to assist the facility comply with this requirement.

Drive-offs; Section 3.7

Section 3.7 outlines the requirements in the event of the separation of a breakaway coupling due to a “drive-off”:

- document the activities pursuant to Section 3.3.
- replace the affected nozzles, coaxial hoses, breakaway couplings, and any other damaged components with new or certified rebuilt components that are CARB certified, before placing any affected equipment back in service; or
- conduct a visual inspection of the affected equipment and perform qualified repairs on any damaged components before placing any affected equipment back in service.
- conduct and successfully pass applicable reverification testing pursuant to the CARB Executive Order prior to the affected equipment being placed back in service.

The following activities listed above will be listed as a permit condition in the event of a drive-off.

Recordkeeping Requirement; Section 4.5

Per Section 4.5.1, test reports of all tests specified in Section 4.6 shall be maintained for at least two years, and shall be made available to MBARD staff upon request. These test results shall be dated and shall contain the names, addresses, and telephone numbers of the companies responsible for system installation and testing.

Per Section 4.5.2, any owner/operator shall maintain an Equipment Repair Log utilizing the form developed by the MBARD or a MBARD-approved equivalent form. This Equipment Repair Log shall be maintained for a minimum of two years and shall be made available to MBARD staff upon request.

Permit conditions are included to comply with sections 4.5.1 and Section 4.5.2 of this MBARD Rule.

Testing Requirement; Section 4.6

Any owner/operator of a gasoline dispensing facility with throughput equal to or greater than 100,000 gallons per year shall comply with the Phase II vapor recovery system performance verification or reverification requirements specified in the applicable CARB Executive Order.

Per Section 4.6.2.6, tester must notify the MBARD Compliance Division within 24 hours of any test(s) that the gasoline dispensing facility could not pass by the end of the day's testing.

Per Section 4.6.2.7, tester must submit the written test report to the MBARD Compliance Division within thirty (30) calendar days following the completion of any testing required by this Rule. Test reports shall be in the forms specified by CARB.

Testing requirements per CARB executive order VR-204 will be included as a permit condition for Phase II annual testing requirements, along with the test notification and test report submittal requirements of Sections 4.6.2.6 & 4.6.2.7.

Subpart Kc—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After October 4, 2023.

Per § 63.110c(b)(6) this subpart does not apply to vessels located at gasoline service stations as defined as “any site where gasoline is dispensed to motor vehicle fuel tanks from stationary storage vessels”.

Since the facility meets the definition of gasoline service station, the requirements of Subpart Kc do not apply to these vessels.

ARB – Benzene Airborne Toxics Control Measure (ATCM) for Retail Service Stations

Compliance with MBARD’s Rule 1002 ensures compliance with the State’s Benzene ATCM for Retail Service Stations

40 CFR Part 63, Subpart CCCCCC, NESHAPS –National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities:

This subpart establishes national emission limitations and management practices for hazardous air pollutants (HAP) emitted from the loading of gasoline storage tanks at gasoline dispensing facilities (GDF). This subpart also establishes requirements to demonstrate compliance with the emission limitations and management practices.

As stated in Section IV, the applicant has requested a maximum annual fuel throughput limit of less than 1,800,000 gallons of gasoline and up to 200,000 gallons of E85 fuel. Accordingly, in addition to the general duties to minimize emissions, per § 63.11111(d) since the GDF is proposing a monthly throughput of 100,000 gallons of gasoline or more, the gasoline fuel operations must comply with the requirements in § 63.11118.

Monthly throughput is the **total volume of gasoline loaded into, or dispensed from, all the gasoline storage tanks located at a single affected GDF**, E85 meets the definition of gasoline as *any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals or greater, which is used as a fuel for internal combustion engines*. Accordingly, even though the individual E85 fuel monthly throughput proposed is greater than 10,000 but less than 100,000 gallons, the total monthly throughput at the facility as defined by this Subpart exceeds 100,000 per month and the E85 operations must comply with the requirements of § 63.11118 as well. Below is a summary of the following requirements:

General Duties to Minimize Emissions

Per § 63.11115(a), the owner or operator must, at all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

Compliance with CARB EO periodic testing and monitoring requirements will ensure compliance with this Section.

Requirements for Facilities with Monthly Throughput of 100,000 Gallons of Gasoline or more; § 63.11118:

Per § 63.11116(a), the owner or operator must not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:

- (1) Minimize gasoline spills;
- (2) Clean up spills as expeditiously as practicable;
- (3) Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use;
- (4) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

Per § 63.11117(b)(2), submerged fill pipes must be no more than 6 inches from the bottom of the tank.

The tank will be equipped with a submerged fill pipe and transfer will be made through a CARB-certified vapor recovery system (Executive Order VR-102).

Per § 63.11118(b)(1), the gasoline fuel operations facility is subject to the following management practices in Table 1 to this subpart:

Table 12. Table 1 to Subpart CCCCCC of Part 63

Owner or Operators of:	Requirement:
1. A new, reconstructed, or existing GDF subject to § 63.11118.	Install and operate a vapor balance system on your gasoline storage tanks that meets the design criteria in paragraphs (a) through (h). (a) All vapor connections and lines on the storage tank shall be equipped with closures that seal upon disconnect. (b) The vapor line from the gasoline storage tank to the gasoline cargo tank shall be vapor-tight, as defined in § 63.11132. (c) The vapor balance system shall be designed such that the pressure in the tank truck does not exceed 18 inches water pressure or 5.9 inches water vacuum during product transfer. (d) The vapor recovery and product adaptors, and the method of connection with the delivery elbow, shall be designed so as to prevent the over-tightening or loosening of fittings during normal delivery operations. (e) If a gauge well separate from the fill tube is used, it shall be provided with a submerged drop tube that extends the same distance from the bottom of the storage tank as specified in § 63.11117(b). (f) Liquid fill connections for all systems shall be equipped with vapor-tight caps. (g) Pressure/vacuum (PV) vent valves shall be installed on the storage tank vent pipes. The pressure specifications for PV vent valves shall be:

	- A positive pressure setting of 2.5 to 6.0 inches of water and a negative pressure setting of 6.0 to 10.0 inches of water. - The total leak rate of all PV vent valves at an affected facility, including connections, shall not exceed 0.17 cubic foot per hour at a pressure of 2.0 inches of water and 0.63 cubic foot per hour at a vacuum of 4 inches of water. (h) The vapor balance system shall be capable of meeting the static pressure performance requirement of the following equation: $P_f = 2e^{-500.887/v}$ Where: P_f = Minimum allowable final pressure, inches of water. v = Total ullage affected by the test, gallons. e = Dimensionless constant equal to approximately 2.718. 2 = The initial pressure, inches water.
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A *vapor balance system* in the Subpart means a combination of pipes and hoses that create a closed system between the vapor spaces of an unloading gasoline cargo tank and a receiving storage tank such that vapors displaced from the storage tank are transferred to the gasoline cargo tank being unloaded.

The proposed installation and operation of California Air Resources Board (CARB)-certified Enhanced Vapor Recovery (EVR) Phase I vapor recovery systems, in accordance with Executive Orders (EO) VR-102, will ensure compliance with the requirements of Table 1.

Per § 63.11118(e), you must comply with the applicable testing requirements contained in § 63.11120 outlined below.

Testing and Monitoring Requirements; § 63.11120:

Based upon proposed total gasoline and E85 monthly throughputs the following requirements apply for gasoline and E85Fuel:

Per § 63.11120(a)(1), an owner or operator must, at the time of installation and every three years thereafter conduct the testing to demonstrate compliance with the leak rate and cracking pressure requirements for the P/V vent value, outlined in Table 1(g):

The facility will comply with this section using the following test method allowed in § 63.11120(a)(1)(i):

- California Air Resources Board Vapor Recovery Test Procedure TP-201.1E, —Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves.

Per § 63.11120(a)(2), an owner or operator must, at the time of installation and every three years thereafter conduct the following tests to demonstrate compliance with the static pressure performance of the vapor balance system, outlined in Table 1(h):

The facility will comply with this section using the following test method allowed in § 63.11120(a)(2)(i):

- California Air Resources Board Vapor Recovery Test Procedure TP-201.3,—Determination of 2-

Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities.

Per § 63.11118(e) the owner or operator must submit the applicable notifications as required under § 63.11124.

Notification Requirements; § 63.11124:

Per § 63.11124(b)(1) the owner or operator must submit an Initial Notification that they are subject to this subpart by May 9, 2008, or no later than 120 days after the source becomes subject to this subpart, whichever is later, or at the time they become subject to the control requirements in § 63.11118. The Initial Notification must contain the information specified in paragraphs (b)(1)(i) through (iii) of this section. The notification must be submitted to the applicable EPA Regional office and delegated state authority as specified in § 63.13.

- (i) The name and address of the owner and the operator.
- (ii) The address (i.e., physical location) of the GDF.
- (iii) A statement that the notification is being submitted in response to this subpart and identifying the requirements in paragraphs (a) through (c) of § 63.11118 that apply to you.

Per § 63.11124(b)(2) the owner or operator must submit a Notification of Compliance Status to the applicable EPA Regional Office and the delegated State authority, as specified in § 63.13, in accordance with the schedule specified in § 63.9(h). The Notification of Compliance Status must be signed by a responsible official who must certify its accuracy, must indicate whether the source has complied with the requirements of this subpart, and must indicate whether the facility's throughput is determined based on the volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks. If your facility is in compliance with the requirements of this subpart at the time the Initial Notification required under paragraph (b)(1) of this section is due, the Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it contains the information required under paragraph (b)(1) of this section.

Per § 63.11124(b)(4), the owner or operator must submit a Notification of Performance Test, as specified in § 63.9(e), prior to initiating testing required by § 63.11120(a) and (b).

NOTE: § 63.9(a)(4)(ii) states: *After a State has been delegated the authority to implement and enforce notification requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each notification submitted to the State to the appropriate Regional Office of the EPA, as specified in [paragraph \(a\)\(4\)\(i\)](#) of this section. The Regional Office may waive this requirement for any notifications at its discretion.*

MBARD has been delegated authority to implement NESHAP CCCCCC. Hence the initial permit application, and the final testing will serve as the initial notification and notification of compliance. Notification of performance testing will be included as a permit condition.

Recordkeeping Requirements; § 63.11125:

Per § 63.11125 the following recordkeeping requirements apply:

- a) Each owner or operator subject to the management practices in § 63.11118 must keep records of all tests performed under § 63.11120(a) and (b).
- b) Records required under paragraph (a) of this section shall be kept for a period of 5 years and shall be made available for inspection by the Administrator's delegated representatives during the course of a site visit.
- d) Each owner or operator of an affected source under this subpart shall keep records as specified in paragraphs (d)(1) and (2) of this section.
 - (1) Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment.
 - (2) Records of actions taken during periods of malfunction to minimize emissions in accordance with § 63.11115(a), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

The authority to construct will be conditioned to the equivalent and/or the more stringent recordkeeping requirements outlined in the CARB executive orders.

Report Requirements; § 63.11126:

Per § 63.11126 the facility may be subject to the following reporting requirements:

- a) Per § 63.11126 (a) an owner or operator subject to the management practices in § 63.11118 shall report to the Administrator the results of all volumetric efficiency tests required under § 63.11120(b). Reports submitted under this paragraph must be submitted within 180 days of the completion of the performance testing.

The facility has not requested and is not approved to use an alternative test under § 63.11120(b). Therefore, the reporting requirement above does not apply.

- b) Per § 63.11126 (b) an owner or operator of an affected source under this subpart shall report, by March 15 of each year, the number, duration, and a brief description of each type of malfunction which occurred during the previous calendar year and which caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with § 63.11115(a), including actions taken to correct a malfunction. No report is necessary for a calendar year in which no malfunctions occurred.

MBARD, delegated to implement and enforce this subpart, will require the annual reports, upon request.

Implementation and Enforcement of Subpart; § 63.11131:

This subpart can be implemented and enforced by the U.S. EPA or a delegated authority such as the applicable State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart.

The EPA has delegated authority to the MBARD.

Health & Safety Code (H&SC) Section 42301.6 – Public Notification Requirements:

Pursuant to Section §42301.6(a), prior to approving an application for a permit to construct or modify a source that emits hazardous air emissions, and that source is located within 1,000 feet from the outer boundary of a school site, the air pollution control officer shall prepare a public notice in which the proposed project or modification for which the application for a permit is made is fully described. The notice may be prepared whether or not the material is or would be subject to subdivision (a) of Section 25536, if the air pollution control officer determines and the administering agency concurs that hazardous air emissions of the material may result from an air release, as defined by Section 44303. The notice may be combined with any other notice on the project or permit that is required by law.

The proposed gasoline and E85 fuel dispensing facility is located 228 feet from the outer boundary of San Juan Bautista Elementary School, a K through 12-grade school, as demonstrated in Figure 2. Hence the public notification requirements may apply to this facility.



Figure 2: Google Earth Pro Aerial Image Showing Distance from School to Source

MBARD protocol adopted by the board on 11/14/01 specifies the risk thresholds for public notification. If the carcinogenic risk is in excess of 1 in a million or non-carcinogenic risk is at or above the applicable Reference Exposure Levels, a Public Notice is required.

As summarized in Table 11, the maximum excess cancer risk exceeds 1 in a million for residential receptors at 45 feet from the proposed source. Therefore, the project is subject to the public notification requirements. A public notice will be prepared and distributed to the parents or guardians of children enrolled in at San Juan Bautista Elementary School and to each address within a radius of 1,000 feet of the source. The AERMODVIEW modeling files, BPIPPRM output files, AERMOD input/output files, and HARP2 risk assessment files are maintained in the permit record and are available upon request.

VI. CONCLUSIONS

The equipment has the capability to continue to comply with all applicable MBARD rules and regulations.

VII. RECOMMENDATIONS

Upon completion of the public notification process, issue Authority to Construct with the following additional conditions:

Start-up Conditions:

1. All equipment as approved, including underground piping, shall be in compliance with State of California Air Resources Board (CARB) Certification Executive Orders and equipment manufacturer installation requirements. [Basis: Monterey Bay Air Resources District (MBARD) Rules 418 & 1002.]
2. The EVR Phase I and EVR Phase II systems, including all associated underground and aboveground plumbing, shall be installed, maintained, operated, and tested as certified in accordance with the most current CARB executive orders (EOs), Installation, Operation, & Maintenance Manuals (IOMs), approval letters, and manufacturer procedures. [Basis: MBARD Rules 418 & 1002, CARB EOs VR-102 & VR-204, CARB Vapor Recovery Certification Procedure (CP) CP-201, and 40 CFR Part 63 Subpart CCCCCC, §63.11115(a)]
3. E85 fuel dispensing is exempt from EVR Phase II vapor recovery, as there are no CARB certified systems for E85 fuel, and all flex vehicles using E85 fuel are ORVR equipped. As such, E85 fuel dispensing shall have separate fuel storage, piping, dispensing apparatus, and EVR Phase I systems from the unleaded gasoline systems. Hanging hardware, including hoses, nozzles and breakaways shall be specific to E85 fuel dispensing as evidenced by yellow E85 fuel markers. Additionally, the E85 fuel EVR Phase I system shall be separate from that of the unleaded gasoline systems, including vapor recovery piping, vent pipes and P/V Valves. [Basis: MBARD Rule 1002, CARB EO G-70-212 & CARB D-200]
4. Only personnel certified appropriately by the manufacturer and approved by MBARD shall perform installation and/or replacement or testing of EVR Phase I and EVR Phase II vapor recovery system components other than the vapor recovery nozzle, hose, or breakaway. [Basis: MBARD Rules 418 & 1002, and CARB CP-201]
5. SJB Development, LP dba The Alameda shall contact MBARD's Engineering Division a minimum of **48 hours** prior to modification of the vapor recovery system. [Basis: MBARD Rules 206, 418 & 1002, and CARB EOs VR-102 & VR-204]
6. SJB Development, LP dba The Alameda shall contact MBARD's Engineering Division a minimum of **48 hours** prior to the start-up of the facility after completion of approved modifications. [Basis: MBARD Rules 206, 418 & 1002, and CARB EOs VR-102 & VR-204]

7. SJB Development, LP dba The Alameda shall conduct and pass performance testing within **sixty (60) calendar days of start-up**. [Basis: MBARD Rules 206, 418 & 1002, CARB EOs VR-102 & VR-204, and 40 CFR Subpart CCCCCC, §63.11113 & §63.11120]
8. SJB Development, LP dba The Alameda shall notify MBARD's Engineering Division a minimum of **48 hours** prior to conducting the following performance testing: [Basis: MBARD Rules 206, 418, & 1002, CARB EOs VR-102 & VR-204, & 40 CFR Subpart CCCCCC, §63.11124(a)]

For gasoline and E85 fuel operations:

- a) Test Method TP-201.1B "Static Torque of Rotatable Phase I Adaptors"
- b) Depending on the system configuration, either Test Method TP 201.1C "Leak Rate of Drop Tube/Drain Valve Assembly" or TP 201.1D "Leak Rate of Drop Tube Overfill Prevention Devices and Spill Container Drain Valves"
- c) Test Method TP-201.1E "Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves"
- d) Test Method TP-201.3 "Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities"

For gasoline operations only:

- e) Test Method TP-201.4 "Dynamic Back Pressure"
 - f) CARB Executive Order VR-204, Latest Edition "Liquid Removal Test Procedure"
 - g) CARB Executive Order VR-204, Latest Edition "Nozzle Bag Test Procedure"
 - h) CARB Executive Order VR-204, Latest Edition "Veeder-Root Vapor Polisher Operability Test Procedure"
 - i) CARB Executive Order VR-204, Latest Edition "Veeder-Root Vapor Polisher Hydrocarbon Emissions Verification Test Procedure"
 - j) CARB Executive Order VR-204, Latest Edition "Veeder-Root Vapor Pressure Sensor Verification Test Procedure"
 - k) CARB Executive Order VR-204, Latest Edition "Veeder-Root ISD Vapor Flow Meter Operability Test Procedure"
9. No more than thirty (30) calendar days following the completion of any testing required by this permit, a written report of the test results shall be submitted to MBARD. Test reports shall be submitted using the online form called "Vapor Recovery Test Results Submission" available at <https://www.mbard.org/gas-stations-compliance-and-testing> along with attaching the required report forms to the submission. [MBARD Rules 206, 418 & 1002, CARB EOs VR-102 & VR-204]

10. SJB Development, LP dba The Alameda shall provide MBARD, upon request, a copy of the installation and testing contractors' certification. [Basis: MBARD Rules 418 & 1002]

Permit Conditions:

1. Gasoline And E85 Fuel Throughputs Limits [Basis: MBARD Rules 300 & 1002, CARB EO VR-102, And 40 CFR Subpart CCCCCC, §63.11111(c) & (d)]

- a) The annual gasoline throughput shall not equal or exceed 1,800,000 gallons per calendar year.
- b) The annual E85 fuel throughput shall not exceed 200,000 gallons per year.
- c) The monthly E85 fuel throughput shall not equal or exceed 100,000 gallons per month.

2. General Records

- a) Annual and monthly gasoline and E85 fuel throughputs shall be reported to the Monterey Bay Air Resources District (MBARD), upon request. [MBARD Rules 418 & 1002, and 40 CFR Subpart CCCCCC, §63.11111(e)]
- b) Annual and monthly records shall be maintained showing the quantity of all gasoline and E85 fuel delivered to the facility. These records shall be retained for at least five years in a readily accessible location and shall be made available to MBARD staff upon request. [MBARD Rules 418 & 1002, CARB EOs VR-102 & VR-204, and 40 CFR Subpart CCCCCC, §63.11111(e)]
- c) The following documents shall be maintained on-site or be readily available: [Basis: MBARD Rules 418 & 1002]
 - i. California Air Resources Board (CARB) EOs VR-102, VR-204 & G-70-212, Latest Editions.
 - ii. CARB Approved Installation, Operation, & Maintenance Manuals (IOMs) for CARB EOs VR-102, VR-204, & G-70-212 Latest Edition.

These documents may be obtained from the following websites:

<https://ww2.arb.ca.gov/resources/documents/vapor-recovery-phase-i-evr-executive-orders>

<https://ww2.arb.ca.gov/resources/documents/vapor-recovery-phase-ii-evr-executive-orders>

3. Modifications [Basis: MBARD Rules 206 & 1002]

Any modification as defined in the MBARD Rule 1002 or underground storage tank product change from gasoline to diesel or E85, or diesel to gasoline or E85, or E85 to gasoline or diesel will require the submittal of a permit application and the MBARD approval prior to commencement of such changes.

4. Maintenance/Replacement/Installation/Testing [Basis: MBARD Rules 418 & 1002, CARB EOs VR-102 & VR-204, and 40 CFR Part 63 Subpart CCCCCC, §63.11115(a)]

- a) The EVR Phase I and EVR Phase II systems, including all associated underground and aboveground plumbing, shall be installed, maintained, operated, and tested as certified in accordance with the most current CARB Executive Orders, CARB Approved IOMs, any applicable CARB Approval Letters, and component manufacturer's procedures.
- b) Only personnel certified appropriately by the manufacturer and approved by MBARD shall perform installation and/or replacement or testing of EVR Phase I and EVR Phase II vapor recovery system components other than the vapor recovery nozzle, hose, or breakaway.

5. Physical Inspection Requirements [Basis: MBARD Rules 418 & 1002, CARB EOs VR-102 & VR-204, And 40 CFR Part 63 Subpart CCCCCC, §63.11115(a)]

All components found not to be in good operating condition during the following periodic inspections shall be replaced, repaired, or removed from service.

Weekly Inspections

- a) EVR Phase I Vapor Recovery Components

The EVR Phase I vapor recovery components shall be inspected in accordance with MBARD "Weekly Inspection Checklist – EVR Phase I" (GDF Form 1). The findings shall be recorded on MBARD GDF Form 1.

- b) EVR Phase II Vapor Recovery Components

All nozzles, hoses, and breakaways are to be inspected in accordance with the CARB Executive Order VR-204 IOM, Latest Edition. All findings shall be recorded on the appropriate hanging hardware and nozzle interlock weekly inspection forms. The inspection requirements and forms are available in the IOM at the following website:

<https://ww2.arb.ca.gov/resources/documents/vapor-recovery-phase-ii-evr-executive-orders>

Annual Inspection

- c) EVR Phase I Vapor Recovery Components

Periodic compliance inspections on Phase I vapor recovery components shall be conducted annually and in accordance with CARB Executive Order VR-102 IOM, Latest Edition. The inspection requirements and forms are available in the IOM at the following website:

<https://ww2.arb.ca.gov/resources/documents/vapor-recovery-phase-i-evr-executive-orders>

- d) EVR Phase II Vapor Recovery Components

Periodic compliance inspections on Phase II vapor recovery components shall be conducted annually and in accordance with CARB Executive Order VR-204 IOM, Latest Edition. The inspection requirements and forms are available in the IOM at the following website:

<https://ww2.arb.ca.gov/resources/documents/vapor-recovery-phase-ii-evr-executive-orders>

All annual inspection findings shall be recorded on the appropriate CARB IOM annual inspection/checklist forms, MBARD *“GDF & ISD Maintenance Log”* (GDF Form 2), or manufacturer checklists, inspection forms, test forms, and/or log forms. SJB Development, LP dba The Alameda may petition MBARD to use alternative inspection procedures and/or forms, which may be approved by MBARD if it finds the alternative to be at least equivalent.

6. Maintenance & Test Records [Basis: MBARD Rules 418 & 1002, and 40 CFR Part 63 Subpart CCCCCC, §63.11125(d) & 63.11126(b)]

SJB Development, LP dba The Alameda shall maintain all installation, inspection, maintenance, repair, and test records on-site. These records shall be maintained for a period of at least two years and be readily available to the MBARD staff upon request. Annual reports of tests performed in accordance with Conditions 9 and 10 shall be maintained for a period of five years and be readily available to the MBARD staff upon request

7. Drive-Off Procedures [Basis: MBARD Rule 1002]

In the event of a drive-off or customer abuse, existing hanging hardware must be visually inspected and functionally tested in accordance with CARB Executive Order VR-204 & G-70-212 and applicable IOM. The requirements are available at the following website:

<https://ww2.arb.ca.gov/resources/documents/vapor-recovery-phase-ii-evr-executive-orders>

Findings shall be recorded in MBARD *“GDF & ISD Maintenance Log”* (GDF Form 2).

8. Drop Tube Maintenance & Testing Requirements [Basis Rule 418, CARB EO VR-102, and 40 CFR Part 63 Subpart CCCCCC, §63.11113, & §63.11117(b), and §63.11120(a)(2)(i)]

In the event the drop tube assembly is removed and subsequently reinstalled or replaced for a like-for-like assembly and/or an overfill prevention device is installed or removed, the following tests shall be conducted and passed prior to the restart of the facility

- a) Test Method TP-201.1B *“Static Torque of Rotatable Phase I Adaptors”*
- b) Depending on the system configuration, either Test Method TP-201.1C *“Leak Rate of Drop Tube/Drain Valve Assembly”* or TP-201.1D *“Leak Rate of Drop Tube Overfill Prevention Device and Spill Container Drain Valve”*
- c) Test Method TP-201.3 *“Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities”*

Notation of installation, replacement, repairs, and testing shall be recorded in MBARD *“GDF & ISD*

Maintenance Log” (GDF Form 2).

9. Annual Test Requirements [MBARD Rules 418 & 1002, CARB EO VR-102 & VR-204, and 40 CFR Part 63 Subpart CCCCCC, §63.11120(a)(2)(i)]

The following tests shall be conducted once every calendar year and pass the applicable requirements in accordance with CARB Vapor Recovery Certification Procedure CP-201 “Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities”:

For gasoline and E85 fuel operations:

- a) Test Method TP-201.1B “Static Torque of Rotatable Phase I Adaptors”
- b) Depending on the system configuration, either Test Method TP 201.1C “Leak Rate of Drop Tube/Drain Valve Assembly” or TP 201.1D “Leak Rate of Drop Tube Overfill Prevention Devices and Spill Container Drain Valves”
- c) Test Method TP-201.3 “Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities”

For gasoline operations only:

- d) Test Method TP-201.4 “Dynamic Back Pressure”
- e) CARB Executive Order VR-204, Latest Edition “Liquid Removal Test Procedure”
- f) CARB Executive Order VR-204, Latest Edition “Veeder-Root Vapor Polisher Operability Test Procedure”
- g) CARB Executive Order VR-204, Latest Edition “Veeder-Root Vapor Polisher Hydrocarbon Emissions Verification Test Procedure”
- h) CARB Executive Order VR-204, Latest Edition “Veeder-Root Vapor Pressure Sensor Verification Test Procedure”
- i) CARB Executive Order VR-204, Latest Edition “Veeder-Root ISD Vapor Flow Meter Operability Test Procedure”

CARB Vapor Recovery Certification Procedure CP-201 “Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities” is available at the following website:

<http://ww2.arb.ca.gov/testmeth/vol2/currentprocedures.htm>

CARB test methods are available at the following websites:

<http://ww2.arb.ca.gov/vapor/eo.htm>

<http://ww2.arb.ca.gov/testmeth/vol2/currentprocedures.htm>

10. Triennial Test Requirements [Basis: MBARD Rules 418 & 1002, CARB EO VR 102, and 40 CFR Part 63 Subpart CCCCCC §63.11120(a)(1)(i)]

The following test shall be conducted triennially initiating at the start-up testing and every 3 years thereafter and pass the applicable requirements in accordance with CARB Vapor Recovery Certification Procedure CP-201 “Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities.”

For gasoline and E85 fuel operations

- a) Test Method TP-201.1E “Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves”

CARB Vapor Recovery Certification Procedure CP-201 “Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities” is available at the following website:

<http://ww2.arb.ca.gov/testmeth/vol2/currentprocedures.htm>

CARB test methods are available at the following websites:

<http://ww2.arb.ca.gov/vapor/eo.htm>

<http://ww2.arb.ca.gov/testmeth/vol2/currentprocedures.htm>

11. Testing Notifications and Reports [Basis: MBARD Rules 418 & 1002 and 40 CFR Part 63 Subpart CCCCCC, §63.11126(b)]

Notifications and reports of tests performed in accordance with Conditions 9 and 10 shall be provided to the MBARD as follows:

- a) Notification of Test Schedule

Prior to conducting any test required by this permit, the MBARD Compliance Division shall be notified of the time and date of the scheduled test. This notification shall be submitted using the online “Vapor Recovery Test Notification Form” available at <https://www.mbard.org/gas-stations-compliance-and-testing>.

- b) 24 Hour Notification of Test Failures

No more than 24 hours following the cessation of any testing required by this permit, the MBARD Compliance Division shall be notified of any test(s) the station could not pass by the end of the day's testing. This notification shall be submitted using the online form called “24 Hour Notification of Vapor Recovery Test Failure” available at <https://www.mbard.org/gas-stations-compliance-and-testing>.

- c) Submittal of Test Report

No more than 30 calendar days following the completion of any testing required by this permit, a report of the test results shall be submitted to MBARD. Test reports shall be submitted to using the online form called "*Vapor Recovery Test Results Submission*" available at <https://www.mbard.org/gas-stations-compliance-and-testing> along with attaching the required report forms to the submission.

MBARD report forms are available at the following website:

<https://www.mbard.org/gas-stations-compliance-and-testing>

12. ISD Requirements [Basis: Rule 1002, and CARB EO VR-204 & CP-201]

- a) The ISD System shall be installed, operated, and maintained in accordance with the applicable CARB IOM.
- b) No dispensing shall be allowed when the ISD system is not powered or is disabled for maintenance.
- c) An adequate quantity of printer paper for the ISD system shall be on-site at all times.
- d) MBARD shall be granted access to the ISD system for print-outs of reports and/or to connect a portable computer for system data downloads.
- e) All ISD system warning/failure alarms shall be recorded in chronological order on GDF Form 2. Each recorded alarm shall include the following:
 - Date and time of alarm;
 - Type of alarm and the cause(s) for the alarm;
 - Contact information of person notified of the alarm;
 - Contact information of repair/maintenance personnel;
 - Corrective action(s) to address the alarm; and,
 - Date and time of the corrective action(s).
- f) Maintenance, alarm history, and ISD system printouts shall be attached to MBARD "*GDF & ISD Maintenance Log*" (GDF Form 2).
- g) SJB Development, LP dba The Alameda shall assure compliance with Attachment ISD "*Standards for In-Station Diagnostic Alarms.*"

13. General System Requirements [Basis: MBARD Rules 418 & 1002, CARB EO VR-102 & VR-204, and 40 CFR Part 63 Subpart CCCCCC, §63.11117(b)]

- a) All nozzles shall be equipped with a vapor collection sleeve which conforms with CARB Executive Order VR-204, Latest Edition.
- b) Any nozzle with a defective vapor valve shall be immediately removed from service and replaced or the vapor path shall be closed.

- c) The maximum length of the curb hose, breakaway, and whip hose combined shall not exceed fifteen (15) feet as measured from the base of the nozzle to the end of dispenser adapter or dispenser, as appropriate
- d) The gasoline dispensing rate shall be between 6 gallons per minute and 10 gallons per minute when the nozzle trigger is in the full open position.
- e) Nozzle operating instruction signs with the MBARD telephone number (800) 253-6028 or California Air Resources Board telephone number (800) 952-5588 for reporting complaints shall be clearly posted.
- f) The legal owner or operator must only load gasoline into the storage tank(s) by utilizing a permanent submerged fill pipe no more than 6 inches from the bottom of the tank.

14. General Requirements to Minimize Emissions [Basis: 40 CFR Part 63 Subpart CCCCCC, §63.11116(a)]

SJB Development, LP dba The Alameda shall not allow handling gasoline in a manner that would result in releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:

- a) Minimize gasoline spills;
- b) Clean up spills as expeditiously as practicable;
- c) Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use; and
- d) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.