



COMPLIANCE ASSISTANCE BULLETIN
April 6, 2009

***SETTLEMENT AGREEMENTS ALLOWING NON-COMPLYING
FACILITIES TO CONTINUE OPERATIONS
PHASE II ENHANCED VAPOR RECOVERY DEADLINE OF APRIL 1, 2009***

In response to the significant economic challenges that we face in the state and in our region, on March 19, 2009, the San Joaquin Valley Air Pollution Control District (District) adopted an Economic Assistance Initiative to provide businesses a measure of relief in a number of areas. As a part of this initiative, the District will provide, non-complying facilities, additional time to install Enhanced Vapor Recovery systems. Subsequently, Governor Schwarzenegger urged the state Air Resources Board and the State Legislature to enact an “enforcement holiday” for one year to allow facilities that have shown a good faith effort to comply to continue operating without penalty beyond April 1, 2009. To allow for any legislative relief that may be on the horizon, the San Joaquin Valley Air Pollution Control District is modifying the enforcement approach previously outlined in the Compliance Assistance Bulletin dated March 25, 2009.

Under the District’s modified enforcement approach, facility operators that were not able to complete the installation of an EVR system by April 1, 2009, will be issued a Notice of Violation (NOV) to document the violation; however, the facility will be allowed to continue operating and any associated penalties will be waived provided the facility completes the installation of an EVR system by **May 15, 2009**.

Please note that the District has not tagged any facilities out-of-service for failing to comply with the April 1, 2009, Phase II EVR deadline.

Facilities that will be unable to complete the installation of an EVR system by May 15, 2009, will be allowed to continue operating without an EVR provided they enter into a settlement agreement with the District by no later than May 15, 2009. The terms of such an agreement, including the potential for monetary penalties which may be assessed, will be consistent with any legislative remedies and guidelines enacted and will be dependent on the level of due diligence exercised by the operator to comply with the deadline and the extent to which the circumstances preventing compliance were beyond the reasonable control of the operator, among other factors.

Please contact one of the District’s regional offices with questions or to schedule a settlement meeting.