

Bipartisan Group of Lawmakers Continues Push to Save Gas Stations; Calls for Transparency in Enforcement Process

A bipartisan group of lawmakers, led by Senator Dave Cox, sent a letter to California Air Resources Board (CARB) Chairman Mary Nichols and 35 local air pollution control districts requesting full transparency of their enforcement practices regarding Enhanced Vapor Recovery compliance around the state. With the testimony of Mr. David Berri, a station owner and employer of 50 employees, lawmakers called for some sunlight and openness in the enforcement process.

Republican and Democrat legislators want to know the number of gas stations that are on the list for non-compliance and the fines that will be imposed on these small businesses. They do not want the state government responsible for shutting down gas stations and the loss of jobs in the worst recession since the Great Depression.

The text of the letter to Ms. Mary Nichols, Chairwoman of the California Air Resources Board follows. A similar letter was sent to 35 local air district officers throughout the state.

Mary Nichols

Air Resources Board

P.O. Box 2815

Sacramento, CA 95812

Dear Mary:

As you know the April 1, 2009 Enhanced Vapor Recovery (EVR) Phase II deadline has come and gone.

The California Air Resources Board (CARB) Chair Mary Nichols has issued a statement that instructed the 35 local air pollution control districts to, "exercise ... discretion and restraint" when it comes to the enforcement of the EVR regulation.

We have received reports that "Gasoline Dispensing Facilities" (GDFs) that are not in compliance with the regulation are being subjected to daily fines that total thousands of dollars per month. We have also received anecdotal evidence that stations are closing down rather than paying the fines in question.

In addition, GDF's are reporting that this enforcement is a patchwork of rules and regulation from district to district resulting in confusion and added costs to these facilities.

To end this confusion and to have a clear picture of what is happening in each of the 35 districts, we are requesting that you provide us the following information on or before April 17, 2009:

1. The list of Gas Dispensing Facilities in your district that are not in compliance with the EVR regulation.

2. The list of Gas Dispensing Facilities in your district that are being fined for not being in compliance with the EVR regulation.

3. The list of Gas Dispensing Facilities in your district that have stopped dispensing as a result of the EVR regulation.

4. An accounting of how much has been collected in fines from Gas Dispensing Facilities for not being in compliance with the EVR regulation, and information regarding the uses for which these funds will be allocated.

Thank you in advance for your prompt response to this request.

Sincerely,

Dave Cox (R-Fair Oaks)

Martin Garrick (R-Carlsbad)

Rod Wright (D-Inglewood)

Jeff Miller (R-Carona)

Ron Calderon (D-Montebello)