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## The San Diego Union-Tribune.

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WATCHDOG REPORT

# Gas stations repeatedly cited for air pollution

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## Fines may be too small to spur pump upkeep

By Mike Lee  
STAFF WRITER

July 30, 2006

**Most drivers filling up at a gas station lately probably focus on the pump's fast-rising money counter. But the pump is doing more than selling gasoline – it's fighting air pollution.**

**Each pump's nozzle is designed to keep fumes from leaking into the air and contributing to the formation of smog, which medical experts have linked to health problems such as cancer and lung ailments.**

**To work right, these vapor recovery systems must be properly maintained.**

**San Diego County's Air Pollution Control District issued more than 3,400 vapor-related citations to**

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**gas stations from 2000 to April 2006. Its inspectors fined the stations more than \$2.8 million, according to records analyzed by *The San Diego Union-Tribune*.**

**But with penalties averaging less than \$1,000 per gas-vapor violation, it's unclear whether the air**

**district has gotten the attention of gas sellers. The number of citations dropped less than 2 percent from 2000 to 2005.**

**Environmentalists and other critics contend that major oil companies accept relatively minor fines as a cost of doing business that is cheaper than staying ahead of problems with their vapor recovery systems.**

**“It's far too easy for some of these industries . . . to violate their permit and basically get a slap on the wrist,” said Tim Carmichael, president of the Coalition for Clean Air, an advocacy group based in Los Angeles.**

**Throughout the county, approximately 1.3 billion gallons of gasoline are pumped into vehicles each year at more than 900 gas stations. Vapor recovery systems collect 10,000 tons of gas fumes annually.**



SCOTT LINNETT / Union-Tribune

Barney McEntire, a former engineer with the county Air Pollution Control District, displayed the prototype vapor recovery nozzle he created decades ago.

## CONSUMER HOTLINE

People who suspect problems with a gas station's vapor recovery system, such as a clogged nozzle or torn hose, can call the California Air Resources Board at (800) 952-5588. The board sets regulations for air-pollution control districts statewide.

## HOW WE GOT THE STORY

To assess compliance with the region's air pollution rules, The San Diego Union-Tribune obtained a database maintained by the San Diego County Air Pollution Control District.

**Eight hundred tons of vapor escape into the atmosphere each year, the air district estimates. That's a dramatic decrease from in the early 1970s, when the vapor recovery system was instituted in the county.**

**Inspectors commonly cite gas stations for using defective equipment or not performing tests to verify that pollution control systems work properly. Typical problems include torn nozzle bellows, which help capture fumes, and liquid gas clogging the vapor recovery system.**

**More than half of the vapor-related citations in San Diego County were sent to the corporate offices of six oil giants or convenience store chains. Through contractual agreements, these companies often are responsible for the fines even if they don't operate the gas stations. For instance, oil companies might own gas stations' underground storage systems and are thus liable for their gas-vapor compliance.**

**The most frequently cited company in the county since 2000 was Equilon, which does business as Shell Oil Products U.S. It had 431 citations. Next was BP-Arco with 315, followed by 7-Eleven with 274.**

**Aggressive enforcer**

**Oil industry leaders blame the vapor-related penalties on finicky equipment, changing regulations and what some see as**

The district issued about 7,000 citations for all types of air pollution infractions from 2000 to April 2006. More than 3,400 of them involved gas stations' vapor recovery systems, so the newspaper concentrated on that issue.

Such systems collect fumes as delivery trucks pump gas into a station's underground tanks, and then as gas is pumped from those tanks into vehicles. Preventing gas fumes from escaping into the air is an important part of smog control nationwide.

In examining citations, the Union-Tribune grouped stations that shared corporate billing addresses and cross-referenced them with the names of oil company officials to determine corporate affiliations.

Those with the greatest number of citations were major oil firms, convenience store chains and, in one instance, a large independent gas retailer.

**overaggressive regulators. The county air district is generally viewed as a strict enforcer of vapor recovery rules in California. Similar standards have been adopted by air regulators nationwide.**

**“We certainly have invested a lot of time working with the air districts and service station operators . . . to improve compliance because obviously we want this (vapor recovery) program . . . to be very successful,” said Catherine Reheis-Boyd chief operating officer at the Western States Petroleum Association, a trade group in Sacramento.**

**Even regulators concede that public use and abuse of gas pumps adds to the problems. Customers, for instance, contribute to air pollution when they top off their tanks, which can clog vapor recovery lines with liquid fuel.**

**“You could set up a (vapor recovery) system . . . and go back two days later and it may be still (in compliance or) it may be way off,” said Dick Smith, director of the county air district.**

**Starting in September, the district will require station operators to monitor their vapor systems more frequently. The district's five inspectors typically evaluate each station once a year but tend to make more visits to sites that have received citations.**

**Beginning in 2009, California gas stations dispensing more than 600,000 gallons a year – which is common for stations**



JOHN GIBBINS / Union-Tribune

A worker at an Exxon in El Cajon demonstrated her daily inspections of pump nozzles. The station is one of the region's most frequent offenders of vapor recovery laws.

**in major metropolitan areas – must install devices that alert them to vapor recovery problems. If the complications aren't fixed, the devices could shut down the pumps.**

### Equipment troubles

**More than 30 years after San Diego County pioneered vapor recovery devices, they continue to prove problematic.**

**It costs \$30,000 to \$80,000 to install the equipment on pumps at a new gas station, said Jay McKeeman, government relations director for the California Independent Oil Marketers Association in Sacramento.**

**“California has required innovative technology . . . that has not panned out to be very reliable,” McKeeman said. “The industry in this particular regulatory scheme is the lab rat, except that the lab rat has to pay to enter into the maze and it has to keep paying.”**

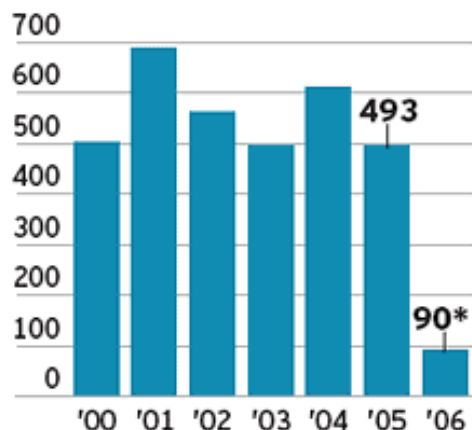
**Former air district engineer Barney McEntire said that if the oil industry had helped to foster the development of vapor recovery technology – instead of actively opposing it – the systems would perform better today.**

**In 1972, San Diego County became the first in the nation to regulate vapor recovery at retail fuel pumps, said**

### Persistent citations

In San Diego County, gas stations have been fined more than \$2.8 million since 2000 for violating rules designed to prevent gas vapor from creating smog.

#### GAS VAPOR CITATIONS IN SAN DIEGO COUNTY



*\*Figures tallied to April*

More than half of the gas-vapor citations issued countywide from January 2000 to April 2006 went to major oil companies and gas station operators. Each citation can list multiple violations with different fines.

Company	Citations	Payments
Shell	431	\$433,550

**McEntire, who retired from the district in 2003.**

**He said the oil industry fought the rules in court and threatened to stop doing business with nozzle makers if they helped the county develop vapor recovery systems.**

**So, McEntire crafted his own nozzle. At his Santee home, McEntire still has the shiny silver prototype, which features a hose-within-a-hose design.**

**“When we started, there was no equipment at all for recovering vapor from autos,” he said.**

**Today there are two systems on the market, one that relies on a rubber boot or bellows to gather vapor and another, similar to McEntire's design, that captures vapor in the nozzle. McEntire said neither he nor the air district filed a patent for his invention because they weren't allowed to make money off a device inspired by their regulations.**

**The gas vapor is collected in underground storage tanks and returned to the respective oil company for reprocessing.**

**'Long row to hoe'**

**At the corner of Broadway and North Mollison in El Cajon, the Exxon gas station is like hundreds of others in the county – with one exception. Since 2000, the local air district's inspectors have issued 11 citations to the station, making it one of the region's most frequent offenders of vapor recovery laws.**

**Owner Gil Moore at New West Petroleum in Sacramento is steamed about the way the county air district has treated him and his 29 stations in the county. New West has been the**

BP-Arco	315	\$198,593
7-Eleven	274	\$211,700
New West Petroleum	263	\$454,974
ConocoPhillips	258	\$194,060
Exxon Mobil	237	\$214,975
Chevron	228	\$150,280

SOURCE: San Diego County  
Air Pollution Control District

Data analysis by  
DANIELLE CERVANTES/Union-Tribune

**subject of a county lawsuit over air violations and it has been billed for nearly \$455,000 in penalties since 2000, district records show.**

**Moore operates stations in four California air districts. He rates San Diego's as the worst for being overly aggressive about minor violations.**

Advertisement

**Ultimately, Moore said, the fines drive up his cost of business, which is passed on to customers.**

**“Nothing is going to work perfectly” Moore said. “You have to allow for error or there is no such thing as a gas station.”**

**Air district officials said they use the penalty revenue for such projects as underwriting a program in which residents can exchange gas lawn mowers for less-polluting electric ones and to offset the cost of legal support from the county counsel's office. None of the revenue pays for the salaries of station inspectors.**

**New West has plenty of company when it comes to vapor recovery challenges.**

**“The situation . . . is really pretty consistent up and down the state. It's been kind of a long row to hoe here with compliance,” said Carol Coy, a top official for South Coast Air Quality Management District, which covers a large part of the Los Angeles area.**

**In San Diego County, “if (station owners) are not being**

**responsive or they are not paying and settling up the violations . . . we will call them in,” said Smith at the air district.**

**For instance, regulators confronted Shell/Equilon officials after issuing a string of citations to its gas stations in 2000. Company leaders signed a legal agreement with the air district that year, promising to start an enhanced inspection and maintenance program.**

**Since then, however, records show that the air district has cited Shell/Equilon 371 more times.**

**In a statement to the *Union-Tribune*, company officials said they regularly work with the air regulators “to ensure compliance with all paperwork and permitting issues.” They did not address why their stations had so many violations or specific efforts to reduce vapor recovery problems.**

**At Exxon Mobil, spokeswoman Paula Chen said the company trains station operators on how to follow California's vapor rules and it sometimes makes them pay for violations.**

**“We don't take these things lightly. We do what we can to reduce the number of them,” she said.**

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