



# Compliance Advisory

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
#2023-24  
Issued: 12/7/2023

## REMINDER TO TAKE ACTION TO COMPLY WITH ENHANCED VAPOR RECOVERY EQUIPMENT REQUIREMENTS BEFORE DECEMBER 23, 2024

### WHO IS AFFECTED BY THIS ADVISORY?

Owners and operators of any gasoline dispensing facility (GDF) constructed in New Jersey before November 9, 2017. A GDF is any stationary facility that dispenses gasoline into the fuel tank of a motor vehicle, which makes it subject to New Jersey Air Pollution Control rules for gasoline transfer operations.

### WHY IS DEP ISSUING THIS ADVISORY?

On December 23, 2017, the New Jersey Air Pollution Control rules (N.J.A.C. 7:27-16.3) were amended to include Enhanced Vapor Recovery (EVR) standards, established by California Air Resources Board (CARB), which aim to improve the effectiveness of gas pump vapor recovery systems, reduce vapor leaks from underground storage tanks, reduce evaporation from hoses and nozzles between use, redesign of nozzles to reduce drips, enhanced diagnostics to alert attendants when vapor recovery equipment malfunctions and improve the long-term reliability of vapor recovery equipment. The regulations were implemented in two phases. Phase II standards, which primarily affected hoses and nozzles and the decommissioning of older gas pump vapor recovery systems, was completed in December 2020. Phase I standards, which primarily involve the tanks, piping, and fill ports, require that affected equipment be “CARB EVR-certified” on or before the deadline of **December 23, 2024**.

### WHAT EQUIPMENT OR SOURCES ARE AFFECTED?

GDF equipment that does not meet the CARB EVR-certified Phase I system standards, examples may include:

Rotatable fill adaptors (dual point systems only)	Rotatable vapor adaptors (dual point systems only)
Drop tube	Drop tube overfill prevention devices (if used by site as overfill prevention equipment)
Spill bucket	Spill bucket drain/plug valve
Dust caps (ATG, Fill & Dry Break)	Tank gauge port components
Face seal adaptor	Pressure/Vacuum valves

For a Phase I Enhanced Vapor Recovery system to be CARB EVR-certified means it has been certified by CARB in an Executive Order after February 1, 2001, and the Executive Order has been superseded or disapproved at the time of installation. The equipment components are not required to all be approved in the same executive order. Therefore, a GDF may mix and match different manufacturer’s equipment, as long as all the EVR system equipment is CARB EVR-certified.

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## WHAT SHOULD I DO?

GDF owners and operators must determine and maintain documentation that all Phase I equipment has been CARB EVR-certified. Equipment that has not been certified must be replaced with a CARB EVR-certified option by a licensed Underground Storage Tank contractor.

Newly installed EVR equipment must be tested at the time of installation, and annually thereafter. If your facility maintains Phase II equipment, a wet/dry blockage test must also be conducted at least every three (3) years. Prior to any vapor recovery testing, including EVR upgrade testing, email notification must be sent to [14dayustnotice@dep.nj.gov](mailto:14dayustnotice@dep.nj.gov) at least fourteen (14) days in advance. Required tests include:

1. Static Pressure Performance
2. Pressure/Vacuum Vent Valves
3. Torque Test

## WHAT IS DEP DOING?

DEP inspections conducted at GDF's will evaluate the vapor recovery system(s) to ensure any Phase II decommissioning activity was properly performed or non-decommissioned systems are being maintained, and the Phase I systems are CARB EVR-certified. Owners and operators who fail to comply with the requirements may be subject to enforcement action and potential penalty.

## WHO SHOULD I CONTACT WITH QUESTIONS?

Bureau of Underground Storage Tank (UST) Compliance & Enforcement (609) 633-1205

Aboveground storage tank (AST) facilities - Division of Air Compliance and Enforcement

**Northern Field Office:** [AirCE-Northern@dep.nj.gov](mailto:AirCE-Northern@dep.nj.gov) / (973) 656-4444

Counties: Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, Warren, Union

**Central Field Office:** [AirCE-Central@dep.nj.gov](mailto:AirCE-Central@dep.nj.gov) / (609) 292-3187

Counties: Burlington, Mercer, Middlesex, Monmouth, Ocean

**Southern Field Office:** [AirCE-Southern@dep.nj.gov](mailto:AirCE-Southern@dep.nj.gov) / (856) 614-3601

Counties: Atlantic, Camden, Cape May, Cumberland, Gloucester, Salem

Air Quality Permitting (609) 292-6716

## WHERE CAN I GET MORE INFORMATION?

The following web sites can be accessed for additional information:

[FAQ for Phase I Vapor Recovery Rule Amendments \(nj.gov\)](#)

[NJDEP- UST Compliance and Enforcement](#)

[NJDEP - Air Compliance and Enforcement Resources](#)

Division of Air Quality Permitting Program website: [NJDEP| Bureau of Stationary Sources](#)

Please note this advisory is intended to be a summary explanation of Department requirements. It does not include all potentially applicable requirements. If you have any questions related to compliance, please contact an Enforcement number listed above.