

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR QUALITY

Statutory Authority: 7 Delaware Code, Section 6010(a) and (c) (7 Del.C. §6010(a) & (c))
7 DE Admin. Code 1124

GENERAL NOTICE

REGISTER NOTICE

SAN #2018-07

7 DE Admin. Code 1124 Section 26.0 "Gasoline Dispensing Facility Stage I Vapor Recovery" and Section 36.0 "Vapor Emission Control at Gasoline Dispensing Facilities."

1. TITLE OF THE REGULATIONS:

7 DE Admin. Code 1124 Section 26 "Gasoline Dispensing Facility Stage I Vapor Recovery" and Section 36 "Vapor Emission Control at Gasoline Dispensing Facilities."

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

Since the early 1990s, Delaware's ambient air quality has been in nonattainment for the health based air quality standard for the pollutant ground-level ozone. Because gasoline vapors contain volatile organic compounds (VOC) and contribute to the formation of ground-level ozone, Delaware implemented, in 1993, 7 DE Admin. Code 1124 Section 26 and Section 36. Sections 26 and 36 contain requirements to control gasoline vapor emissions from gasoline tanks and motor vehicles at any gasoline dispensing facility (GDF) with a monthly throughput greater than 10,000 gallons (Stage I and Stage II vapor recovery). In addition, since 1998, automobile manufacturers have been required by the federal Clean Air Act (CAA) to install on-board refueling vapor recovery (ORVR) systems on new vehicles.

The ORVR system is effective for controlling gasoline vapor emissions from refueling the ORVR equipped vehicles. However, when Stage II vapor recovery equipped GDF's are refueling ORVR equipped vehicles, fresh air is ingested into the GDF gasoline storage tanks, which leads to vapor growth in the gasoline storage tanks and vapor emissions from those tanks through leaks and pressure relief valves. The CAA allows Delaware to phase-out Stage II vapor recovery requirements, provided overall emissions do not increase.

The Division of Air Quality (DAQ) of the Department of Natural Resources and Environmental Control (DNREC, or the Department) is proposing amendments to Section 26 and Section 36 to require (1) any new GDF to install a Stage I Enhanced Vapor Recovery (EVR) system, instead of a Stage II vapor recovery system, at construction, and (2) any existing GDF to decommission its Stage II vapor recovery system by December 31, 2021 and to install a Stage I EVR system by December 31, 2025. The proposed amendments will also require a regulated GDF to monitor vapor-tight status of its gasoline storage tanks by performing annual pressure decay tests or by installing a continuous pressure monitoring (CPM) system.

DAQ is also proposing to submit to EPA a revision to Delaware State Implementation Plan (SIP), entitled "Decommissioning Stage II Vapor Recovery Systems and Requiring Stage I Enhanced Vapor Recovery Systems at Gasoline Dispensing Facilities." The objectives of the proposed SIP revision are to (1) analyze the regulatory impacts of the above regulation amendments on Delaware's emissions of volatile organic compounds (VOC), and (2) demonstrate that the above regulatory amendments meet the anti-backsliding requirements of the CAA Sections 182(b)(2) and 110(l).

3. POSSIBLE TERMS OF THE AGENCY ACTION:

None.

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 Del.C. Ch. 60, Sections 6010(a) and 6010(c).

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

None.

6. NOTICE OF PUBLIC COMMENT:

A public hearing will be held on January 08, 2020, beginning at 6:00 pm, in DNREC Auditorium, 89 Kings Highway, Dover, DE 19901. Persons wishing to comment on the proposed amendments may do so either orally or in written form at the public hearing on January 8, 2020. In lieu of attending the public hearing, written comment may be submitted to the Hearing Officer via the online comment form at <https://dnrec.alpha.delaware.gov/public-hearings/comment-form/>, via email to DNRECHearingComments@delaware.gov, or via USPS to the below address. The Department will accept public comment through the close of business on Thursday, January 23, 2020.

Theresa Newman, Hearing Officer
DNREC – Office of the Secretary
89 Kings Highway, Dover, DE 19901

7. PREPARED BY:

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***Please Note: Due to the size of the State Implementation Plan Revision, it is available here as a PDF document:**
[http://regulations.delaware.gov/register/december2019/general/Regulation 1124 Sections 26.0 and 36.0 SIP.pdf](http://regulations.delaware.gov/register/december2019/general/Regulation%201124%20Sections%2026.0%20and%2036.0%20SIP.pdf)

23 DE Reg. 473 (12/01/19) (Gen. Notice)