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Frank,

We understand the stance of the Department to follow the EPA waiver process and show that there will be no increase in VOC emissions by no longer requiring Stage II, but we feel the proposed requirements are far reaching and unprecedented.

In reference to the proposed requirements in 36.3.2.1, In-station diagnostics is a method required only in California and only for facilities operating Stage II Vapor Recovery Systems. We understand that the Department sees the changes to Stage II regulations as an opportunity to also implement measures to reduce further emissions, but the technology should be proven before it is written into the regulations. There should be a cost-benefit analysis done before requiring a pressure monitoring system on non-Stage II sites to ensure that it is an effective and cost efficient way to monitor tank pressure.

In reference to the proposed requirements in 36.3.4, the requirement for “drip less” nozzles needs to be further explored before written into the regulations. This was Module 5 of CARB’s Enhanced Vapor Recovery guidelines and its effective date kept being pushed back due to technology not meeting the CARB standards. The availability of these nozzles should be explored as the CARB requirement was aimed at Stage II Balance nozzles, since the majority of gasoline stations in CA are not vacuum-assist. Does the Department know how many conventional/non-Stage II nozzles meet the requirements in 36.3.4.1 (no greater than 0.24 lbs/1000 gal) or 36.3.4.1 (no more than 3 drops per refueling)?

In reference to the proposed requirements in 36.7.1.2.7, the requirement for disconnecting and capping the Stage II vapor return piping at the tank end when it is not easily accessible, adds significant costs and excavation with minimal benefit. States in EPA Region III and states in other regions have allowed decommissioning strictly based on PEI RP 300-09, which recommends only disconnecting and capping at the tank end if it does not require excavation.

In summary, we do not think Gasoline Dispensing Facilities should be punished for two existing technologies (Stage II & ORVR) not being compatible. We feel the focus of the discussion should be on the best timeline for no longer requiring Stage II at future sites and the

decommissioning of Stage II at existing facilities. The additional requirements create a financial burden and incentive to continue to install and operate Stage II Vapor Recovery Systems.

We appreciate the Department reaching out to us and other impacted stakeholders to participate in this workgroup and the chance to submit comments.

Thanks,

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