

**From:** Gao, Frank F. (DNREC)  
**Sent:** Wednesday, July 30, 2014 10:27 AM  
**To:** Ellen Valentino; Gao, Frank F. (DNREC); mark@wilsonbaker.com; Joshua.m.worth@wawa.com; truzin@royalfarms.com; SStookey@twgi.net; Ed.kubinsky@crompco.com; Bob.minissale@crompco.com; Jennifer.foster@crompco.com; Ross.seth@gmail.com; jlceleste@sunoco.com; mdevey@ustservicescorp.com; jimmckelvey@verizon.net; Stephanie.herron@sierraclub.org; gpattersongallc@gmail.com; david.petersen@7-11.com; jlaschke@husky.com; sam@tr2corp.com; 'John Myers'; molina@franklinfueling.com; grant@franklinfueling.com; sam@tr2corp.com; 'Reid, Kent'; 'Brown, Jake'  
**Cc:** Snead, James (DNREC); Amirikian, Ronald A. (DNREC); Gomes, Colin (DNREC); Postell, Tom (DNREC); Rollo, Peter (DNREC); Sunkler, John F. (DNREC); Kirkland, Barbara (DNREC); Rittberg, Alex (DNREC); Coverdale, James (DNREC); Small, David (DNREC); 'Julie Mirowenger'  
**Subject:** FW: Comments on draft regulations

Committee members,  
Below is the comments from **Ellen Valentino on 07/10/2014**, on the draft language we presented in Meeting 5.

Thank you for your attention.

Frank

**From:** Ellen Valentino [<mailto:ellen@mapda.com>]  
**Sent:** Thursday, **July 10, 2014** 5:27 PM  
**To:** Gao, Frank F. (DNREC); Small, David (DNREC)  
**Cc:** Steve Stookey; Mark Baker; Gary Patterson  
**Subject:** Comments on draft regulations

To: Frank Gao  
Secretary David Small

From: Ellen Valentino  
On Behalf of the Mid-Atlantic Petroleum Distributors Association  
SMO, Inc. and Wilson Baker Inc.  
Date: July 10, 2014

Re: Comments on the Proposed Draft Regulations

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Based on the many questions raised by the private sector gasoline station industry at the stakeholder meetings, the conflicting testimony of equipment manufacturers and lack of supporting data to show any benefit to air quality, we urge you to strike any references to the regulations requiring “Continued Pressure Monitoring” (CPM) systems.

This new mandate would be unfair to small business owners, and because no other similar requirement exists in any other state, literally, other than California, Delaware's gasoline retail community would be disadvantaged.

Rationale:

1. These CPM systems are required nowhere else in the United States other than California. We are aware of no other state looking at this requirement.
2. Reports on the CA equipment reliability have been negative at best. Albeit the equipment manufacturers who are the beneficiaries of this regulation have a different view.
3. The weather in DE is much different than in CA. This equipment has not been tested or proven to sustain a 12-month weather cycle in the Northeast. Relying on reports from equipment manufacturers is a costly gamble that DE business owners should not have forced upon them.
4. This equipment is expensive. At the last meeting conflicting reports on the cost ranged from \$8,000 to \$40,000 per location.
5. Other alternatives, like increased inspections should be more closely considered as a cost effective way of moving forward, before imposing the requirement for a CPM.

In closing, again we urge you like most other states, including Maryland to implement immediately a policy in which:

A new or modified gasoline station shall no longer be required to install or maintain Stage II systems. A new or modified gasoline dispensing facility is one that on or after July 1, 2014:

(1) begins dispensing fuel for the first time;

(2) excavates below a shear valve or tank pad in order to repair or replace its Stage II system or an underground storage tank;

(3) installs a new dispenser system manufactured without a Stage II system; or

(4) under goes a major system modification consisting of the replacement, repair or upgrade of at least 50% of a facility's Stage II vapor recovery system.

All existing facilities that are currently equipped with Stage II systems must continue to certify, maintain, test and comply with all Stage II requirements until such time as the Department repeals or otherwise revises existing regulatory requirements through rulemaking.

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