



**REGISTER NOTICE  
SAN #2013-31**

**1. TITLE OF THE REGULATIONS:**

Revision to Section 36 “Stage II Vapor Recovery” of 7 DE Admin Code 1124 “Control of Volatile Organic Compound Emissions.”

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

Delaware’s ambient air quality does not meet the health based air quality standard for the pollutant ground-level ozone. Because gasoline vapors contribute to the formation of ground-level ozone, and because gasoline vapors include hazardous air pollutants, Delaware has implemented, since 1993, Section 36 to control gasoline vapor emissions from gasoline tanks and motor vehicles at gasoline dispensing facilities (GDFs). 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 CAA allows Delaware to phase-out Stage II vapor recovery requirements, provided overall emissions do not increase in the absence of Stage II vapor recovery requirements. The ORVR system is effective for controlling gasoline vapor emissions from the fueling of ORVR equipped vehicles. When refueling ORVR equipped vehicles, however, fresh air is ingested into the GDF gasoline storage tanks, which leads to vapor growth in the gasoline tanks and vapor emissions from those tanks through leaks and pressure relief valves.

The DAQ is proposing to revise Section 36 to require any new GDF to 1) not install a Stage II vapor recovery system, 2) demonstrate compliance with an allowable leak rate using a continuous pressure monitoring (CPM) system, and 3) when cost effective and necessary, install a pressure management system to reduce the uncontrolled venting of emissions. The DAQ is also proposing to allow any existing GDF, at its option, to decommission its Stage II system and comply with the same requirements applicable to new GDFs.

If finalized the Department proposes to submit this revision to the U.S. Environmental Protection Agency (EPA) as a revision to Delaware’s state implementation plan (SIP).

**3. POSSIBLE TERMS OF THE AGENCY ACTION:** None.

**4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:**

7 Del. C., Chapter 60, Environmental Control

**5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:** None

**6. NOTICE OF PUBLIC COMMENT:**

A public hearing will be held on August 28, 2014, beginning at 6:00 pm, in DNREC Auditorium, 89 Kings Highway, Dover, DE 19901.

**7. PREPARED BY:**

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