



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

OFFICE OF THE
SECRETARY

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MEMORANDUM TO: Office of the Governor
Members of the Senate Natural Resources and Environmental
Control Committee
Members of the House Environment and Natural Resources
Committee

FROM : Collin P. O'Mara, Secretary 

SUBJECT : ***START ACTION NOTICE***

DATE : January 4, 2012

Enclosed for your information is **APPROVED** Start Action Notice:

**2011-19 to revise Section 36 "Stage II Vapor Recovery" of 7 DE Admin. Code 1124
Control of Volatile Organic Compound Emissions.**

Division Directors
Public Affairs
Those on Start Action Approval List
Responsible Staff Member

Delaware's Good Nature depends on you!



APPROVED BY *[Signature]*

START ACTION NOTICE
SAN # 2011-119

1-5-2012

1. TYPE OF ACTION: Revising Section 36 "Stage II Vapor Recovery" of 7 DE Admin Code 1124 "Control of Volatile Organic Compound Emissions."
2. PURPOSE OF ACTION: Delaware's ambient air does not meet the health based air quality standard for the pollutant ozone. Because gasoline vapors contribute to the formation of ground-level ozone, Delaware has required, since 1993, gasoline service stations to install, operate and maintain Stage II vapor recovery systems that reduce vapor emissions during vehicle refueling. In addition, since 1998, automobile manufacturers have been required by the federal clean air act (CAA) to install on-board vapor recovery systems on vehicles themselves. In some instances these two requirements are not compatible, and additional emissions may occur when vehicles equipped with onboard systems are refueled at service stations equipped with Stage II vapor recovery systems. The CAA allows Delaware to phase-out Stage II vapor recovery requirements when onboard systems are determined to be in widespread use, provided overall emissions without Stage II vapor recovery requirements do not increase.

The purposes of this action are to revise Section 36 of 7 DE Admin Code 1124 to (1) phase-out the requirement for new gasoline service stations to install and operate vapor recovery systems, (2) adopt requirements that will provide the timing and procedures for the decommissioning of Stage II vapor recovery systems at existing gasoline service stations, and (3) identify, evaluate and adopt any new feasible requirements that would reduce gasoline vapor emissions from gasoline service stations after decommissioning Stage II requirements. In addition, Delaware will submit the revision to Section 36 to US Environmental Protection agency (EPA) as a revision to its state implementation plan (SIP).

3. STATUTORY BASIS: 7 Del. C., Chapter 60, Environmental Control.
4. LIKELY AFFECTED PUBLIC: This action will mainly impact gasoline dispensing facilities. In addition, the public will benefit because this action will help improve ambient air quality in Delaware.
5. PROPOSED SCHEDULE OF ACTIVITIES:
 - Review Committee Meetings – Mar., Apr, May 2012
 - Public Workshop – Jun., 2012
 - Proposal in Delaware Register – Aug. 2012
 - Public Hearing - Fall 2012
 - Finalization of Revision – Winter 2012
6. REVIEW COMMITTEE: A review committee will be organized to include the Department staff members and the representatives from the regulated community and the public.
7. RESPONSIBLE STAFF MEMBER:
 - Frank F. Gao, Ph.D., P.E.
 - Division of Air Quality-DNREC
 - 715 Grantham Lane, New Castle, DE 19720
 - Phone (302)323-4542, Fax (302)323-4598, Email: Frank.Gao@state.de.us
8. APPROVALS:

RAA

/Frank F. Gao/ 11/30/2011
Responsible Staff Member Date

[Signature] 12.5.11
Division Director Date