



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL

89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

OFFICE OF THE  
SECRETARY

PHONE: (302) 739-9000  
FAX: (302) 739-6242

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 : November 26, 2013

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

2013-31 to revise 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 

START ACTION NOTICE  
SAN #2013-31

DATE 11-26-13

1. TYPE OF ACTION: To revise Section 26 "Gasoline Dispensing Facility Stage I Vapor Recovery," Section 27 "Gasoline Tank Trucks" and Section 36 "Stage II Vapor Recovery" of 7 DE Admin Code 1124 "Control of Volatile Organic Compound Emissions."
2. PURPOSE OF ACTION: Delaware's air quality does not meet federal health based standards for the pollutant ground-level ozone. Because gasoline vapors contribute to the formation of ground-level ozone Delaware has implemented, since 1993, requirements to control gasoline vapor emissions from 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. ORVR systems may be redundant with Stage II requirements, and can lead to vapor growth which creates additional emissions from underground gasoline storage tanks. Sections 26 and 27 are also subject to updates due to more stringent requirements that took effect under a national standard (40 CFR Part 63 Subpart CCCCCC).

The purposes of this action are to revise Sections 26, 27 and 36 of 7 DE Admin Code 1124, to (1) phase out or modify, as appropriate, the Stage II vapor recovery requirements, (2) identify and implement new requirements, as appropriate, to ensure gasoline vapor emissions are well-controlled at both new and existing GDFs, (3) provide to GDFs flexibilities for implementing any new and revised requirements, and (4) ensure Delaware's requirements are no less stringent than applicable national Part 63 standards. The Department will submit the revisions to the U.S. 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 – Aug 2013 to Feb 2014
  - Public Workshop – Mar 2014
  - Proposal in Delaware Register – May 2014
  - Public Hearing – Jun 2014
  - Finalization of Revision – Aug 2014
6. REVIEW COMMITTEE: A review committee has been organized, which includes Department staff members, representatives from the regulated community, service contractors, industry organizations, environmental groups, 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](mailto:Frank.Gao@state.de.us)

8. APPROVALS:

<u>/Frank F. Gao/</u>	<u>xx/xx/2013</u>	
Responsible Staff Member	Division Director	Date