From: Mark Baker
To: HearingComments, DNREC (MailBox Resources)
Cc: Gao, Frank F. (DNREC)
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Docket #2019-R-A-0025
DNREC Stage I & II Regulations
Written Comments following Public Hearing on 1-8-2020

I do not agree with the premise for some portions of the proposed regulations and I anticipate problems in the future with some items. However, I do support the adoption of the proposed regulations at this time. My reasons for supporting the immediate adoption of the regulations are as follows:

- We must speed up decommissioning of Stage II as we have crossed the threshold where the systems are doing more harm than good.
- In the current regulation there is no deadline for decommissioning and the only way to decommission is to install a complete Stage I EVR system at the same time. This is extremely cost prohibitive and unless a site is already undergoing major work to the UST system an owner is not likely to make the decision to go through the decommissioning process.
- The industry is facing other equipment challenges at this time, mostly related to required dispenser upgrades for credit card processing, and flexibility on how to proceed is critical for operators.

Once adopted, I would strongly encourage DNREC to immediately begin looking at making revisions to the regulations again. Members of the industry have attempted to convey these concerns and others in various committee meetings but they have not been seriously considered by DNREC.

Stage I EVR

It has not been sufficiently demonstrated that a complete Stage I EVR system will yield sufficient emission reductions to justify the cost. Data from the CPM trial sites show that the UST system is almost always under negative pressure. Even operating under a condition that triggered a "leak" alarm in the fall of 2017, the system's pressure was negative 87% of the time. *This means that for 87% of the time if there was an actual leak there would have been no emissions! This data shows that any moderate volume site will maintain a negative pressure and leak rates are essentially meaningless.* This type of data does not support the emission reductions claimed by DNREC for using a full Stage I EVR system vs. a baseline of a normal Stage I system or an incomplete EVR system. Monthly inspections and annual testing are more than sufficient to insure the system remains tight enough to prevent emissions.

Another flaw in the regulations is the desire by DNREC to completely tie Delaware regulations to CARB. This was not needed and will only serve to cause regulatory and compliance hardships for DNREC and the industry. CARB executive orders are constantly changing and being updated. Delaware law requires DNREC to follow a lengthy process to modify any regulations. This is a critical legal process to protect the interest of Delaware citizens and business as it prevents regulations in other jurisdictions from being automatically adopted in Delaware. In the case of these regulations, the referenced CARB orders have already been superseded by updated executive orders. For

example, VR-102-R is incorporated by reference in 36.1.4.2 for maintenance and testing and also in 36.4.1.1.2. Table in 36.10.2 references VR-102-S. However, CARB has already released VR-102-T! These updates to the executive orders often contain important equipment updates or authorization to use new equipment.

I am disappointed that DNREC did not follow a more straight forward path by simply requiring EVR components be installed in all new sites or sites undergoing UST system upgrades. If that was done there would be no need to reference specific CARB orders and the industry would not have to suffer under unjustified expenses that don't serve to reduce real world emissions.

Thank you,

Mark Baker
302-684-8569
Baker Petroleum
www.BakerPetroleumDE.com
Country Corners Market
www.CountryCornersMarket.com