



# DNREC Virtual Public Hearing

## Proposed Amendments to 7 DE Admin. Code 1124 Section 36.0 “Vapor Emission Control at Gasoline Dispensing Facilities” (Docket #2020-R-A-0022)

Welcome. Any visual content that is part of this hearing will appear in this window.

**Computer Audio:** Use the **audio connections menu** to turn audio on or off.

**Telephone Audio:** DIAL-in Number: 1-408-418-9388

Access code: 173 779 4117

Comments will be accepted using the DNREC Comment form, via email, or by USPS mail as noted on the hearing event page (<https://de.gov/dnrehearings>)

# **Division of Air Quality**

Proposed Amendments to

7 DE Admin. Code 1124 Section 36.0

“Vapor Emission Control at Gasoline Dispensing Facilities”  
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## **The objective of the amendments:**

To update the California Air Resources Board (CARB) Executive Orders referenced in Section 36.0, regarding Stage I enhanced vapor recovery systems being used at Delaware gasoline dispensing facilities.

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## Background

- Section 36.0 was amended and adopted on 07/11/2020.
- Six CARB Executive Orders were referenced in Section 36.0 regarding Stage I Enhanced Vapor Recovery systems.
- Section 36.0 adopted on 07/11/2020 did not include CARB’s latest updates to those Executive Orders.
- The proposed amendments will reflect the CARB Executive Order updates.

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CARB’s latest updates to the referenced Executive Orders include:

- Modifications to the Husky Model 5885 Pressure/Vacuum vent valve;
- Extension of certifications with the modified 5885 Pressure/Vacuum vent valve:
  - To 05/31/2021 for Phil-Tite system, OPW system, and CNI system;
  - To 05/31/2022 for EMCO system;

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CARB’s latest updates to the referenced Executive Orders include (cont’d):

- Addition of OPW 723 Pressure/Vacuum vent valve for E85 applications;
- Executive Order VR-102 added the Franklin Fueling aluminum drop tube and Defender Overfill Protection Valve to the equipment list as alternate parts.
- For OPW and Morrison Brothers Stage I systems for aboveground gasoline tanks, extension of certifications to 07/17/2023.

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The proposed amendments will:

- 1) update the executive order numbers and effective dates;
- 2) provide the regulated community with additional component flexibility when installing Stage I enhanced vapor recovery systems.

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The proposed amendments make the following changes (~~old~~ vs new) in the referenced CARB Executive Orders:

- VR-101-~~Q~~T
- VR-102-~~R~~U
- VR-104-~~I~~K
- VR-105-~~F~~I
- VR-401-~~E~~F
- VR-402-~~D~~E

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The proposed amendments will be made in the following subsections:

- Subsection 36.4.1, and
  - 36.4.1.1.1 through 36.4.1.1.4
  - 36.4.1.2.1 and 36.4.1.2.2
- Subsection 36.10.2
- Subsection 36.11.3.1 through 36.11.3.6



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In addition, the proposed amendments include adding a phrase in subsection 36.1.3 to specify the date of the reference, as shown below as underlined:

36.1.3 .....to include the requirements in 40 CFR 80.22(j), dated July 1, 2019 and hereby incorporated by reference, the nozzle flow rate limit of .....

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In today’s hearing, the Department is proposing an additional amendment to update CARB Executive Order VR-202-**W** to VR-202-**Z**, as follows:

..... [~~VR-202-W (August 30, 2018)~~ VR-202-**Z (November 5, 2019)**] .....

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- This update will be made in subsections 36.5.1, 36.5.3, and 36.11.5;
- This update is non-substantive, as detailed in the Addendum to the Technical Support Document (Exhibit 9);
- Prior to the hearing, the Department requested an additional 15 days to the post-hearing comment period.

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## Hearing exhibit list:

- Exhibit 1: Start Action Notice approved by the Department Secretary on August 26, 2020.
- Exhibit 2: Register Notice and Proposed amendments to 7 DE Admin. Code 1124 Section 36.0, published in Delaware Register of Regulation on November 1, 2020.
- Exhibit 3: Affidavit and legal notice in the October 25, 2020 Delaware State News that advertised today’s hearing.
- Exhibit 4: Affidavit and the legal notice in the October 25, 2020 News Journal that advertised today’s hearing.

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## Hearing exhibit list (cont'd):

- Exhibit 5: Notice for today’s hearing on the State of Delaware Public Meeting Calendar, October 25, 2020.
- Exhibit 6: Legal notice for today’s hearing, as posted on the website for DNREC Public Hearings, dated October 25, 2020.
- Exhibit 7: Regulatory Flexibility Analysis and Impact Statement Form and Technical Support Document, published in Delaware Register of Regulations, November 1, 2020
- Exhibit 8: Update of CARB Executive Order VR-202-W to VR-202-Z in Section 36.0, proposed by the Department at today’s hearing.

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## Hearing exhibit list (cont'd):

Exhibit 9: Addendum to Technical Support Document, demonstrating that the update in Exhibit 8 is non-substantive.

Exhibit 10: CARB Executive Order VR-101-T;

Exhibit 11: CARB Executive Order VR-102-U;

Exhibit 12: CARB Executive Order VR-104-K;

Exhibit 13: CARB Executive Order VR-105-I;

Exhibit 14: CARB Executive Order VR-401-F;

Exhibit 15: CARB Executive Order VR-402-E;

Exhibit 16: CARB Executive Order VR-202-Z;

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## Hearing exhibit list (cont'd):

Exhibit 17: Proclamation by Governor John Carney, dated March 13, 2020, authorizing all meetings of public bodies in Delaware to be conducted electronically until further notice.

Exhibit 18: Department of Natural Resources and Environmental Control website updates, as published on March 19, 2020, addressing services related to COVID-19, and announcing that all Department public hearings would be virtual until further notice.

Exhibit 19: The Department’s presentation at today’s hearing.



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Thank you for joining us. We will accept comments on this matter through **January 7, 2021**.

Comments may be submitted in writing

Via online form at <https://de.gov/dnrecomments>, via email to [DNRECHearingComments@delaware.gov](mailto:DNRECHearingComments@delaware.gov), or by  
USPS mail:

Theresa Newman, Hearing Officer  
DNREC – Office of the Secretary  
89 Kings Highway, Dover, DE 19901

The full verbatim transcript will be posted when it becomes available.

For more information, find the event page for this hearing on the DNREC Public Hearings page at  
<https://de.gov/dnrehearings>