



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER

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BOB MARTIN
Commissioner

November 29, 2017

Honorable Peter D. Lopez
Regional Administrator
USEPA, Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

RE: New Jersey Rule Adoption and State Implementation Plan Revision:
Vapor Recovery Systems at Gasoline Dispensing Facilities,
Permitting Changes and t-butyl acetate (TBAC) Reporting Repeal

Dear Regional Administrator,

Enclosed for your review and approval are adopted rule changes and a revision to the New Jersey State Implementation Plan (SIP) for the ozone National Ambient Air Quality Standards (NAAQS). The Department is adopting three distinct rule changes in the package associated with reducing burden, repealing outdated rules and clarifying potentially ambiguous rules. These new rules and rule amendments were adopted by the Department on October 24, 2017 and became effective (published in the New Jersey Register) on November 20, 2017.

The first change in this SIP revision consists of the Department rule changes to N.J.A.C. 7:27-16.3, Gasoline Transfer Operations, and an analysis that shows that the decommissioning of Stage II (hereafter referred to as Phase II) vapor recovery in New Jersey will meet the demonstration requirements set forth in the United States Environmental Protection Agency (EPA) rules and guidance.

The amendments to N.J.A.C. 7:27-16.3 remove the requirement to install Phase II vapor recovery systems at new gasoline dispensing facilities and require the decommissioning of existing Phase II vapor recovery systems that are not compatible with on-board refueling vapor recovery (ORVR) systems within three years. The amendments include requirements and specifications for decommissioning and gasoline dispensing facility testing. Additionally, the Department is adopting requirements that the Phase I, tank breathing and refueling systems be upgraded for improved emission reductions.

The second change is amendments to N.J.A.C. 7:27-8 and 22, which respond to an EPA audit of the State's air permitting program. The adoption makes it clear that the terms and conditions in the preconstruction permit will be incorporated into the Title V operating permit for major facilities. In addition, consistent with EPA requirements, amendments to N.J.A.C. 7:27-22.11(e) remove the requirement to post notice of a draft operating permit in the newspaper and instead allow posting on the Department's website.

The final change is the repeal of N.J.A.C. 7:27-34, t-butyl acetate (TBAC) Emissions Reporting, to be consistent with EPA's repeal of this requirement.

The rule proposal was published in the July 3, 2017 New Jersey Register. A public hearing on these rule amendments and proposed SIP revision was held on Thursday, August 24, 2017. Written comments relevant to the proposal were accepted until the close of business, Thursday, September 1, 2017. All comments were addressed in the adoption.

We appreciate the assistance your staff will provide in reviewing this SIP revision. If you or your staff has any questions, please contact Francis C. Steitz at (609) 633-8220.

Sincerely,

Bob Martin
Commissioner

Enclosures:

SIP Revision including Public Notice Documentation

Rule Proposal

Rule Adoption

c (Email letter):

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Suilin Chan, USEPA Region II

Rick Ruvo, USEPA Region II

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