



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

AIR QUALITY, ENERGY AND SUSTAINABILITY

Division of Air Quality

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Commissioner

July 3, 2017

Mail and Email

Mr. Kirk Wieber
United States Environmental Protection Agency
Region II
290 Broadway
Mail Code: 25th Floor
New York, NY 10007-1866
Wieber.Kirk@epa.gov

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

Dear Mr. Wieber,

Enclosed for your review are proposed rule changes and a proposed revision to the New Jersey State Implementation Plan (SIP) for the ozone National Ambient Air Quality Standards (NAAQS). The Department is proposing three distinct rule changes in the proposal package associated with reducing burden, repealing outdated rules and clarifying potentially ambiguous rules. The State is requesting that the United States Environmental Protection Agency (EPA) process this proposed State Implementation Plan revision concurrent with the Department's process so that the revisions can be incorporated into the SIP expeditiously.

The first of three changes in this proposed 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 proposed decommissioning of Stage II (hereafter referred to as Phase II) vapor recovery in New Jersey will meet the demonstration requirements set forth in the EPA rules and guidance.

The proposed 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 proposed amendments include requirements and specifications for decommissioning and gasoline dispensing facility testing. Additionally,

the Department is proposing requirements that the Phase I, tank breathing and refueling systems be upgraded for improved emission reductions.

The second of three changes are proposed 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 proposal 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, proposed 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 of three changes 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 courtesy copy of the rule proposal has been enclosed with this SIP revision.

We appreciate the assistance your staff will provide in reviewing this proposed SIP revision. Additional information regarding public notification and participation will be forwarded to EPA Region II separately.

If you or your staff has any questions, please contact me at (609) 292-0834.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Ratzman', with a stylized flourish extending to the right.

Kenneth Ratzman
Assistant Director

Enclosures:
SIP Revision Proposal
Rule Proposal
Public Notice

c (Email letter and public notice):

Suilin Chan, USEPA Region II
Rick Ruvo, USEPA Region II
Paul Baldauf, Assistant Commissioner, NJDEP
John R. Renella, NJ Deputy Attorney General
Francis C. Steitz, Director, Division of Air Quality, NJDEP