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ADOPTIONS SECTION

ENVIRONMENTAL PROTECTION

AIR QUALITY, ENERGY, AND SUSTAINABILITY

DIVISION OF AIR QUALITY

Notice of Administrative Correction

Air Pollution Control

TBAC Emissions Reporting, Permitting, and Gasoline Transfer Operations

Adopted Amendment: N.J.A.C. 7:27-16.3

Take notice that the Department of Environmental Protection (Department) discovered an error in the text of the adopted amendment to N.J.A.C. 7:27-16.3, effective November 20, 2017, and operative December 23, 2017. See 49 N.J.R. 1762(a); 3590(a).

The notice of proposal Summary sets forth the Department's intention to exempt "existing vapor recovery system and refueling equipment that exclusively refuels marine vehicles and aircraft ... from the **existing** unihose requirement for Phase II equipped gasoline dispensing facilities, the new requirements for a CARB-certified Phase I pressure/vacuum valve and system, and the proposed new refueling requirements for CARB-certified nozzles and low permeation hoses, unless the associated parts are being replaced." See 49 N.J.R. 1767 (under the heading Phase I) (emphasis added). The Department intended that N.J.A.C. 7:27-16.1(i) would codify the exemption discussed in the notice of proposal Summary. The published text of adopted N.J.A.C. 7:27-16.3(i), however, stated that the provisions of N.J.A.C. 7:27-16.3(d)3 and 4 and (g)2, 3, and 4 (relating to unihose, CARB-certified Phase I EVR pressure/vacuum valve

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and system, and CARB-certified Enhanced Conventional (ECO) nozzles and low permeation hoses) “do not apply to a gasoline dispensing facility installed **after** (the operative date of the amendment)” (49 N.J.R. 1777 (emphasis added)). As a result, the rule exempts new facilities, instead of existing facilities, from the requirements concerning unihose, CARB-certified Phase I EVR pressure/vacuum valve and system, and CARB-certified ECO nozzles and low permeation hoses. This is both logically inconsistent and the opposite of the Department’s stated intention. This administrative correction to replace the word “after” with the word “before” is necessary to achieve the Department’s express intention to exempt existing facilities from the new requirements unless the existing equipment is being replaced.

This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rule follows (addition indicated in boldface **thus**; deletion indicated in brackets [thus]):

SUBCHAPTER 16. CONTROL AND PROHIBITION OF AIR POLLUTION BY VOLATILE ORGANIC COMPOUNDS

7:27-16.3 Gasoline transfer operations

(a)-(h) (No change.)

(i) The provisions of (d)3 and 4 and (g)2, 3, and 4 above do not apply to a gasoline dispensing facility installed [after] **before** December 23, 2017, if:

1.-2. (No change.)

(j)-(u) (No change.)