



START ACTION NOTICE # 2021-06

DOCKET # 2021-R-A-0011

1. TYPE OF ACTION: Amendments to 7 **DE Admin. Code** 1103 "Ambient Air Quality Standards".
2. PURPOSE OF ACTION: The purpose of this action is to update the ambient air quality standard for ground level ozone in 7 **DE Admin. Code** 1103, Section 6.0. On December 23, 2020, the U.S. Environmental Protection Agency (EPA) issued a final rule to retain the primary and secondary ozone NAAQS. The standards, established in 2015, are set at 0.070 parts per million (ppm). Currently, the primary and secondary ozone standards in 7 **DE Admin. Code** 1103 Section 6.0 are 0.075 ppm. This action will amend the current ozone standards in 7 **DE Admin. Code** 1103 to 0.070 ppm.

In addition, this action will update Code of Federal Regulations (CFR) reference dates for all of the National Ambient Air Quality Standards (NAAQS) in 7 **DE Admin. Code** 1103, and will remove 7 **DE Admin. Code** 1103 subsections 4.2 (SO₂ 24-hour primary standard) and 4.3 (SO₂ annual primary standard), as EPA revoked these two standards in 2010.

3. STATUTORY BASIS: 7 Del. C. Chapter 60 Environmental Control. §§ 6001(c) & 6010.
4. IS THIS PROPOSED REGULATORY ACTION REQUIRED AS A RESULT OF FEDERAL STATUTE OR REGULATION? IF SO, PROVIDE LINK TO FEDERAL MANDATE. The link is <https://www.govinfo.gov/content/pkg/CFR-2020-title40-vol2/pdf/CFR-2020-title40-vol2.pdf>, Code of Federal Regulations Title 40 – Protection of the Environment, Part 50.19.
5. DATE OF MOST RECENT REVIEW/AMENDMENT: January 11, 2014.
6. LIKELY AFFECTED PUBLIC: These ozone standards will affect Delaware and surrounding areas, generally enhancing protection of people's health and public welfares.
7. PROPOSED SCHEDULE OF ACTIVITIES: Public Hearing – Summer 2021
Effective Date – Fall 2021
8. REVIEW COMMITTEE: The Department believes that holding of a public hearing will provide adequate opportunity for public education, review, and comments.
9. RESPONSIBLE STAFF MEMBER: Frank Gao, Ph.D., P.E., 715 Grantham Lane, New Castle, DE 19720. Phone: 302-323-4542; E-mail: Frank.Gao@delaware.gov.
10. APPROVALS:

Frank F Gao 04/22/2021
Frank Gao Date
Responsible Staff Member

David Fees 5/3/2021
David F. Fees Date
Director, Division of Air Quality

Shawn M. Garvin 7/5/21
Shawn M. Garvin Date
Secretary, DNREC