

**In The Matter Of:**  
*DNREC v.*  
*7 DE Admin. Code 1125*

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*Hearing*  
*September 25, 2019*

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DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL  
OF THE STATE OF DELAWARE

RE: Public Hearing Regarding )  
Proposed Amendments to )  
7 DE Admin. Code 1125 )

.. . . . .

DNREC Richardson & Robbins Building  
89 Kings Highway  
Dover, Delaware 19901

Wednesday, September 25, 2019  
6:06 p.m.

.. . . . .

BEFORE: Theresa Newman, Hearing Officer

ALSO PRESENT: Renae Held,  
Division of Air Quality, DNREC

-- Transcript of Proceedings --

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1 MS. NEWMAN: Good evening. It is  
2 now 6:06, and we have allowed additional time  
3 for the public to attend. However, there is  
4 no public attendance at this time.

5 If any members of the public are to  
6 sign in from now through the end of the  
7 Department's presentation, we will address  
8 those members of the public prior to the  
9 conclusion of the hearing.

10 We are here this evening to provide  
11 a formal platform for the State of Delaware's  
12 Department of Natural Resources and  
13 Environmental Control to receive public  
14 comment on the Proposed Regulatory Amendments  
15 to 7 Delaware Administrative Code 1125,  
16 Requirements for Preconstruction Review.

17 My name is Theresa Newman, and  
18 Secretary Garvin has appointed me to serve as  
19 the hearing officer for tonight's public  
20 proceeding.

21 We will begin tonight with the  
22 Department's presentation. And from here I  
23 will hand it over to Renae Held with the  
24 Division of Air Quality.



1 MS. HELD: My name is Renae held.  
2 I am the Acting Program Manager II for the  
3 Airshed Planning and Inventory Program within  
4 the Division of Air Quality.

5 The purpose of this action is to  
6 update references to EPA's Guideline on Air  
7 Quality Models in 7 DE Admin Code 1125,  
8 Requirements for Preconstruction Review.

9 These amendments are being proposed  
10 to incorporate by reference the most recent  
11 revisions to the Environmental Protection  
12 Agency's (EPA) Guideline on Air Quality  
13 Models, as set forth in Appendix W to 40 CFR  
14 Part 51, Requirements for Preparation,  
15 Adoption, and Submittal of Implementation  
16 Plans (Guideline).

17 In 1978, EPA established the  
18 Guideline and has subsequently made several  
19 revisions. Therefore, the Department is  
20 proposing to amend 7 DE Admin Code 1125 for  
21 consistency with the EPA.

22 Each calendar year, the Office of  
23 the Federal Register publishes a Code of  
24 Federal Regulations annual edition for Title



1           40 -- Protection of the Environment, to  
2           include revisions as of July 1.

3                       However, as of today's date of  
4           September 25, 2019, the annual edition for  
5           the 40 CFR Part 51, 2019 update has not yet  
6           been published.

7                       Therefore, the Federal reference  
8           date in the proposed regulation is July 1,  
9           2018, which is the revision date of the most  
10          recently published annual edition.

11                      The proposed amendment has been  
12          made available for public review and comment  
13          in the Department's DAQ offices in Dover and  
14          New Castle.

15                      The proposed amendment also was  
16          published in the Delaware Register of  
17          Regulations on September 1, 2019.

18                      A legal notice regarding the  
19          availability and publication of the proposed  
20          amendment and the schedule of today's hearing  
21          was published in the News Journal and the  
22          Delaware State News on August 18, 2019.

23                      The Department is presenting ten  
24          exhibits, as provided herein in the exhibits



1 listing, which is also available to you on  
2 the table in the back of the room.

3 This completes the Department's  
4 presentation on the proposed amendments to  
5 Delaware's Requirements for Preconstruction  
6 Review Regulations.

7 MS. NEWMAN: Okay. Thank you.

8 Please allow the record to reflect  
9 Exhibits 1 through 10, as identified by the  
10 Department, hereby entered into the formal  
11 record.

12 There are still no members of the  
13 public that have come in. Is there anything  
14 else that you have?

15 MS. HELD: No.

16 MS. NEWMAN: No? Okay.

17 The hearing record being generated  
18 in this matter shall remain open for an  
19 additional 15 days from today's date so that  
20 everyone has ample opportunity to offer  
21 written comment.

22 This written comment may be  
23 received by the Department through 4:30 p.m.  
24 on October 10, 2019.



1                   Comments may be submitted through a  
2                   comment form link on the hearing page, via  
3                   e-mail to DNREC hearing comments at  
4                   delaware.gov, or via the U.S. Postal Services  
5                   at the address indicated on the hearing page  
6                   and/or the public notice.

7                   Written comments to DNREC may not  
8                   be submitted using social media platform such  
9                   as Twitter, Facebook, YouTube, or text  
10                  messaging.

11                  As the Department has met the  
12                  hearing protocols and there is no public  
13                  comment, the hearing is now adjourned at 6:11  
14                  p.m.

15                  (Concluded at 6:11 p.m.)





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CERTIFICATE

I, Lorena J. Hartnett, a Notary Public and Registered Professional Reporter, do hereby certify that the foregoing is an accurate and complete transcription of the proceeding held at the time and place stated herein, and that the said proceeding was recorded by me and then reduced to typewriting under my direction, and constitutes a true record of the testimony given by said witnesses.

I further certify that I am not a relative, employee, or attorney of any of the parties or a relative or employee of either counsel, and that I am in no way interested directly or indirectly in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office on this 26th day of September 2019.



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Lorena J. Hartnett  
Registered Professional Reporter

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