



DNREC Virtual Public Hearing

Proposed Amendments to:

7 DE Admin. Code 1130 “Title V State Operating Permit Program”

(Docket #2021-R-A-0009)

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Comments will be accepted using the DNREC Comment form, via email, or by USPS mail as noted on the hearing event page (<https://de.gov/dnrechearings>)

Division of Air Quality

Proposed Amendments to 7 DE Admin. Code 1130 “Title V State Operating Permit Program” (Docket #2021-R-A-0009)

The objective of the amendments to 7 DE Admin. Code 1130 “Title V State Operating Permit Program” is to update:

1. Affirmative defense requirements.
2. List of greenhouse gases (GHGs) and their global warming potential (GWP) values.
3. Public notice publication requirements for Title V permits

Each update is to maintain consistency with EPA’s current federal regulations.

1. 40 Code of Federal Regulations (CFR) 70.6(g): 57 Federal Register (FR) 32250
2. 40 CFR 98, Table A-1: 78 FR 71903 and 79 FR 73749
3. 40 CFR 70.7(h)(2): 81 FR 71613

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Proposed Language (Affirmative Defense Requirements):

- Section 6.0 - Remove all references to the term “malfunction”, including the definition of “malfunction”, to maintain consistency with EPA’s Operating Permit regulations for affirmative defenses.
 - 6.1.3.3.3.1: “Any deviation resulting from emergency or ~~malfunction~~ conditions as defined in 6.7 of this regulation shall be reported within two working days of the date on which the permittee first becomes aware of the deviation, if the permittee wishes to assert the affirmative defense authorized under 6.7 of this regulation; ...”

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Proposed Language (Affirmative Defense Cont.):

- 6.7: Emergencies or Malfunctions
 - 6.7.1 Definitions

(Break in Continuity within Section)

~~“**Malfunction**” means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner, and that causes the source to exceed a technology based emission limitation under the permit, due to unavoidable increases in emissions attributable to the malfunction. An emergency or malfunction shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.~~

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Proposed Language (Green House Gases):

- Definitions - Updated the “Subject to Regulation” definition to reflect the most current federal applicability requirements for Green House Gas (GHG) compounds and Global Warming Potential (GWP) values.
- Section 2.0 - Revise 23 of the 32 GHG compounds listed in Table 2-1 and add 30 new compounds; update GWP values.

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Proposed Language (Public Notice Publication Requirements):

- Section 7.10.2

- The public notice shall establish a period of not less than 30 days in accordance with 40 CFR Part 70.7(h) following publication of the notice for the submission of written comments and hearing requests, and shall identify the affected facility, the name and address of the applicant or permittee, the name, address and telephone number of a Department representative with responsibility for the permitting action, the activity or activities involved in the permit action, the emissions change involved in any permit modification, the time and place of the hearing or a statement of procedures to request a hearing (unless a hearing has already been scheduled), and the location of the public file, and the name, address, and telephone number of a person (or an email or Web site address) from whom interested persons may obtain additional information.

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Proposed Additional Amendments

- Reformat the following chemical formulas to include subscripts:
 - [~~(CO2)~~ (CO₂)]
 - [~~(CO2e)~~ (CO₂e)]
 - [~~(N2O)~~ (N₂O)]
 - [~~(CH4)~~ (CH₄)]
 - [~~(SF6)~~ (SF₆)]
- Remove the bullet before “when”:
 - [•] when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO₂e or more.
- Correct the chemical formula for Capstone 62-U
 - [CF₃(CF₂)₇CH=CH₂ CF₃(CF₂)₅CH=CH₂]

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Proposed Additional Amendments (Cont.)

- These updates will be made in Section 2.0
- The updates are non-substantive, as detailed in the Errata Table (Exhibit 12)

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Hearing Exhibit List:

Exhibit 1: Reg 1130 Technical Support Document

Exhibit 2: Affirmative Defense Requirements - 40 CFR 70.6(g)

Exhibit 3: Federal Greenhouse Gases - 40 CFR 98, Table A-1

Exhibit 4: Title V Permit Requirements - 40 CFR 70.7(h)(2)

Exhibit 5: Start Action Notice approved by the Department Secretary on July 5, 2021.

Exhibit 6: Register Notice and Proposed amendments to 7 DE Admin. Code 1130, published in Delaware Register of Regulations on October 1, 2021.

Exhibit 7: Affidavit and legal notice in the September 19, 2021 Delaware State News that advertised today’s hearing.

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Hearing Exhibit List (Cont.):

- Exhibit 8: Affidavit and legal notice in the September 19, 2021 News Journal that advertised today’s hearing.
- Exhibit 9: Notice for today’s hearing on the State of Delaware Public Meeting Calendar, September 19, 2021.
- Exhibit 10: Legal notice for today’s hearing, as posted on the website for DNREC Public Hearings, dated September 19, 2021.
- Exhibit 11: Regulatory Flexibility Analysis and Impact Statement Form and Technical Support Document, published in Delaware Register of Regulations, October 1, 2021
- Exhibit 12: Errata Table for non-substantive changes
- Exhibit 13: The Department’s presentation at today’s hearing.



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Thank you for joining us. We will accept comments on this matter through **November 11, 2021**.

Comments may be submitted in writing

Via online form at <https://de.gov/dnreccomments>, via email to DNRECHearingComments@delaware.gov, or by USPS mail:

Lisa Vest, Hearing Officer
DNREC – Office of the Secretary
89 Kings Highway, Dover, DE 19901

The full verbatim transcript will be posted when it becomes available.

For more information, find the event page for this hearing on the DNREC Public Hearings page at

<https://de.gov/dnrechearings>