

In the Matter Of:

Department of Natural Resources & Environmental Control - Hearing

PROPOSED VISIBILITY STATE IMPLEMENTATION PLAN

December 29, 2021



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

RE: Proposed Visibility State
Implementation Plan

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Virtual Public Hearing
Dial-In Number: 1-408-418-9388
Event Number: 2349 508 0655

Wednesday, December 29, 2021
6:00 p.m.

..

BEFORE: Lisa Vest, Hearing Officer

FOR THE DIVISION: Renae Held, DNREC

-- Transcript of Proceedings --

WILCOX & FETZER
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1 MS. VEST: Good evening. I believe
2 that everyone is now connected and ready, so
3 we are going to go ahead and begin tonight's
4 proceedings.

5 I want to thank everybody for
6 taking their time out of their busy schedules
7 to attend the hearing tonight. The date is
8 December 29, 2021, and we are here this
9 evening to provide a virtual platform for
10 DNREC to conduct its public hearing on a
11 proposed Visibility State Implementation
12 Plan.

13 For those of you who may not know
14 me, my name is Lisa Vest, and Secretary
15 Garvin has designated me to serve as hearing
16 officer for tonight's proceedings.

17 To set the stage for tonight's
18 proceedings, specifically with regard to
19 DNREC's standard hearing protocols, this
20 hearing is being conducted virtually. No
21 staff is gathered together in the same room.
22 Everyone is participating independently at
23 their own respective locations.

24 While there are no sign-in sheets

1 to document physical attendance tonight, the
2 WebEx platform that DNREC utilizes for their
3 hearings does generate a list of those who
4 are virtually present with us tonight at this
5 proceeding, so the Department still maintains
6 a verifiable record of those who have
7 electronically joined this event. And,
8 again, I thank everyone for their interest in
9 this matter.

10 At the conclusion of these
11 introductory remarks, I will be turning the
12 hearing over to Renae Held, who is a member
13 of the Department's Division of Air Quality.
14 She will be making a formal presentation
15 regarding DNREC's proposed SIP plan, which is
16 the State Implementation Plan. She will be
17 speaking a little bit more about what that is
18 during her presentation.

19 There is still a court reporter
20 virtually present. She will prepare a
21 verbatim transcript of the hearing tonight
22 pursuant to DNREC's statutory requirement to
23 do so. And, as always, that transcript will
24 be posed on the hearing webpage dedicated to

1 this matter as soon as it has been received.

2 We also have the ability to allow
3 members of the public to offer comment if
4 they preregister to do so. For tonight's
5 matter, there were no members of the public
6 who preregistered prior to tonight's event.
7 So once Ms. Held's presentation is concluded,
8 I will be saying a few concluding remarks,
9 and the hearing will conclude at that time.

10 That being said, the Department
11 wishes to ensure that the public is enabled
12 to offer comments for inclusion into the
13 record that's being generated in this matter.
14 Therefore, the record will remain open beyond
15 tonight's proceedings for the Department to
16 receive comment through January 13, 2022.

17 I would encourage those attending
18 the proceeding tonight to visit DNREC's
19 public hearing webpage under the
20 Administrative Law Section of the website for
21 more details concerning this pending matter.

22 The Department's presentation,
23 along with all of the Department's exhibits,
24 and any other documentation related to this

1 matter, are all posted on the hearing page
2 that's dedicated to this proposed SIP action,
3 and the public may gain a wealth of
4 information by reviewing the same.

5 Of course, all mechanisms
6 previously available by which to offer
7 comment remain: Electronic link, e-mail,
8 and, of course, the United States Postal
9 Service.

10 Also, the following protocols
11 remain in place for all DNREC hearings:

12 Number 1: All comment received
13 must be limited solely to the subject matter
14 of tonight's hearing, which, as I have
15 previously said, is the proposed SIP. All
16 comments germane to that subject matter will
17 be incorporated into the hearing record being
18 generated in this matter.

19 Number 2: As previously noted, in
20 order to ensure that everyone who wishes to
21 offer comment for the Secretary's
22 consideration is accommodated, the hearing
23 record will remain open to receive comment
24 through January 13, 2022.

1 Number 3: There is only one
2 authentic record of this proceeding tonight,
3 and it will be the official court reporter's
4 verbatim transcript which, again, will be
5 posted on the hearing page as soon as it has
6 been received.

7 Number 4: The statutory purpose of
8 tonight's hearing is to build the hearing
9 record with regard to this proposed action.
10 A record consisting of the transcript of
11 tonight's hearing, any written comments that
12 may be received between now and January 13,
13 2022, all exhibits, and eventually the
14 Hearing Officer's Report, will all be
15 gathered and reviewed by Secretary Garvin.

16 The Secretary will ultimately issue
17 an order following that review, and that
18 order will contain his decision on this
19 matter and the reasons therefor.

20 Number 5: It is very important to
21 note that absolutely no decision has already
22 been made by the Department, nor will any
23 decision be made tonight with regard to this
24 proposed SIP.

1 Again, the record is being held
2 open through January 13, 2022 so that members
3 of the public have ample opportunity to offer
4 written comment for the Secretary's
5 consideration, should they wish to do so.

6 Comments may be submitted through a
7 comment form link on the hearing page, via
8 e-mail to DNRECHearingComments@delaware.gov,
9 or via the United States Postal Service at
10 the physical address for DNREC indicated on
11 the hearing page and the public notices that
12 have previously been issued in this matter.

13 Please note that written comments
14 to DNREC may not be submitted via social
15 media platform such as Twitter, Facebook,
16 YouTube, standard or text messaging.

17 Lastly, please note that whether
18 comments were received prior to tonight's
19 hearing, whether they were received in
20 realtime tonight, or if they were received
21 between now and when the record closes on
22 January 13, 2022, regardless of the manner in
23 which they are submitted, as long as they are
24 received by the Department on or before

1 January 13th, all comments bear the exact
2 same weight, and all will be considered
3 equally by the Secretary prior to his making
4 a final decision in this matter.

5 Again, the ultimate decision
6 regarding this proposed action is made by
7 DNREC's Secretary Garvin. This hearing
8 tonight acts as a mechanism to enable the
9 Department to thoroughly vet this proposed
10 action to the public and to make the public
11 aware of the various ways by which comment
12 may be submitted for the Secretary's
13 consideration.

14 That being said, I am going to turn
15 the platform over to Renae Held, who, as I
16 mentioned, has a brief presentation regarding
17 this proposed action. So, Renae, you may
18 take it away when ready.

19 MS. HELD: Thank you, Lisa.

20 Good evening. My name is Renae
21 Held, and I'm a program manager with the
22 Airshed Planning and Inventory Group for the
23 Division of Air Quality in the Delaware
24 Department of Natural Resources and

1 Environmental Control.

2 The purpose of this hearing is to
3 take public comment on Delaware's Visibility
4 State Implementation Plan.

5 A State Implementation Plan is a
6 plan that identifies how a state will attain
7 and maintain air quality.

8 Delaware's initial State
9 Implementation Plan was approved by the
10 Environmental Protection Agency on May 31,
11 1972. Since this initial approval, the
12 Delaware State Implementation Plan has been
13 revised numerous times to address air quality
14 issues.

15 Delaware's State Implementation
16 Plan is compiled in Title 40 of the Code of
17 Federal Regulations at Part 52, Subpart I.

18 Regional haze is defined as
19 visibility impairment that is caused by the
20 emission of air pollutants from numerous
21 sources located over a wide geographical
22 area. These emissions are transported over
23 large regions and impact areas that include
24 the entire State of Delaware.

1 The Clean Air Act mandates
2 protection of visibility in national parks
3 and wilderness areas, or Class I areas,
4 through the Regional Haze Program.

5 The purpose of this program is to
6 return the visibility conditions in Class I
7 areas to natural conditions by 2064.

8 Class I areas are defined as
9 national parks exceeding 6,000 acres,
10 wilderness areas, national memorial parks
11 exceeding 5,000 acres, or international parks
12 that were in existence before 1977.

13 Visibility impairing pollutants
14 include sulfur dioxide, nitrogen oxides,
15 particulate matter, volatile organic
16 compounds, and ammonia.

17 In 1999 and in various revisions
18 that extended through 2017, the Environmental
19 Protection Agency finalized the Regional Haze
20 Rule. The rule calls for state tribal and
21 federal agencies to work together to improve
22 visibility in 156 national parks and
23 wilderness areas.

24 Under the Regional Haze Rule,

1 states are required to develop a series of
2 State Implementation Plans to address
3 visibility impairment in Class I areas and
4 make reasonable progress towards achieving
5 natural visibility conditions.

6 Each plan covers a ten-year period.
7 On September 25, 2008, Delaware submitted its
8 Visibility State Implementation Plan to the
9 Environmental Protection Agency. The report
10 was approved on July 19, 2011. The plan
11 covered the first implementation period of
12 2008 through 2018.

13 This second Visibility State
14 Implementation Plan covers the second
15 implementation period of 2018 to 2028.

16 To aid states in their efforts to
17 develop a technical basis for the states'
18 implementation plans, five multistate
19 regional planning organizations have been
20 established. These organizations provide a
21 forum for state air control administrators to
22 develop regional strategies to address
23 regional haze and to coordinate with other
24 regions.

1 This State Implementation Plan was
2 developed based on consultations and work
3 products of the Mid-Atlantic Northeast
4 Visibility Union Regional Planning
5 Organization, of which Delaware is a member.

6 There are seven Class I areas
7 located in the Mid-Atlantic and Northeast
8 corridor: Brigantine Wilderness, New Jersey;
9 Lye Brook Wilderness, Vermont; Presidential
10 Range-Dry River Wilderness in New Hampshire;
11 Great Gulf Wilderness, New Hampshire; Acadia
12 National Park, Maine; Roosevelt Campobello
13 International Park, New Brunswick; and
14 Moosehorn Wilderness, Maine.

15 Delaware does not have any Class I
16 areas within its quarters.

17 The main components of Visibility
18 State Implementation Plans for states without
19 Class I areas include a long-term strategy,
20 enforceable emission limitations, compliance
21 schedules, and other measures necessary to
22 make reasonable progress toward visibility
23 improvement in affected Class I areas,
24 emissions trends, analysis of trends in

1 emissions of visibility impairing pollutants,
2 and emission reduction strategies.

3 The states within the Mid-Atlantic
4 Northeast Visibility Union Regional Planning
5 Organization work together to develop
6 coordinated strategies that will help Class I
7 states improve visibility.

8 Now we would like to enter eight
9 exhibits shown on the next two slides into
10 the public record to support revision to
11 Delaware State Implementation Plan.

12 MS. VEST: Okay. Thank you very
13 much, Renae. For bookkeeping purposes, are
14 the exhibits that you are displaying right
15 now the same as those that are posted and
16 identified on the hearing webpage dedicated
17 to this matter?

18 MS. HELD: Yes. But I would like
19 to mention something about Exhibit Number 7.

20 MS. VEST: Go ahead.

21 MS. HELD: For the Exhibit 7, the
22 Proposed Visibility State Implementation
23 Plan, it should be noted that Appendix 8-14
24 of the plan titled "Agreement Governing the

1 Acquisition and Operation of Delaware City
2 Refinery" was not posted in the Delaware
3 notice that published on the December 1,
4 2021.

5 A copy of Appendix 8-14 has been
6 posted on the Department's public webpage,
7 and the appendix is also being entered into
8 the hearing record as part of Exhibit 7.

9 MS. VEST: Excellent. Thank you
10 for that clarification, Renae.

11 Let the record reflect that the
12 exhibits, as identified by the Department's
13 Division of Air Quality just now, are hereby
14 entered into the formal hearing record. Does
15 the Department have anything further they
16 wish to add at this time?

17 MS. HELD: No, we do not.

18 MS. VEST: Excellent. Okay. Thank
19 you for that presentation, Renae.

20 Again, as I mentioned at the
21 beginning of tonight's proceedings, we do
22 have a mechanism by which members of the
23 public can offer live comment at our virtual
24 public hearings. There was no one that

1 preregistered to do so. So, that being said,
2 we are going to move now to close the
3 proceedings.

4 I want to thank everybody for
5 taking the time out of this busy week toward
6 the end of the year for joining us. Again,
7 the record is not closing tonight. So if you
8 are watching this and you are interested and
9 you wish to offer comment, you may feel free
10 to do so by any of the mechanisms that I
11 mentioned before.

12 Feel free to visit the hearing
13 webpage. And you can jump right off of that
14 and enter a comment. As long as it is
15 received on or before January 13, 2022, all
16 comments bear the same weight, and all will
17 be incorporated into the hearing record and
18 considered by the Secretary prior to his
19 making his decision in this matter.

20 Again, I want to thank everybody
21 for taking the time tonight to join us. Have
22 a happy and safe holiday. And this meeting
23 is hereby adjourned.

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

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 1st day of January 2022.



Lorena J. Hartnett
Registered Professional Reporter

Proposed Visibility State Implementation Plan - December 29, 2021

1	6	ample 8:3 analysis 13:24 appendix 14:23 15:5,7 approval 10:11 approved 10:9 12:10 area 10:22 areas 10:23 11:3,7,8,10,23 12:3 13:6, 16,19,23 attain 10:6 attend 3:7 attendance 4:1 attending 5:17 authentic 7:2 aware 9:11
2	7	6,000 11:9 6:11 16:24 7 14:19,21 15:8
3	8	8-14 14:23 15:5
4	A	ability 5:2 absolutely 7:21 Acadia 13:11 accommodated 6:22 achieving 12:4 Acquisition 15:1 acres 11:9,11 Act 11:1 action 6:2 7:9 9:6,10,17 acts 9:8 add 15:16 address 8:10 10:13 12:2,22 adjourned 16:23 Administrative 5:20 administrators 12:21 affected 13:23 agencies 11:21 Agency 10:10 11:19 12:9 Agreement 14:24 ahead 3:3 14:20 aid 12:16 air 4:13 9:23 10:7,13,20 11:1 12:21 15:13 Airshed 9:22 ammonia 11:16
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6		based 13:2 basis 12:17 bear 9:1 16:16 begin 3:3 beginning 15:21 bit 4:17 bookkeeping 14:13 Brigantine 13:8 Brook 13:9 Brunswick 13:13 build 7:8 busy 3:6 16:5
7		C
8		calls 11:20 Campobello 13:12 caused 10:19 City 15:1 clarification 15:10 Class 11:3,6,8 12:3 13:6,15,19,23 14:6 Clean 11:1
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<p>close 16:2</p> <p>closes 8:21</p> <p>closing 16:7</p> <p>Code 10:16</p> <p>comment 5:3,16 6:7,12,21,23 8:4,7 9:11 10:3 15:23 16:9,14</p> <p>comments 5:12 6:16 7:11 8:6,13,18 9:1 16:16</p> <p>compiled 10:16</p> <p>compliance 13:20</p> <p>components 13:17</p> <p>compounds 11:16</p> <p>conclude 5:9</p> <p>concluded 5:7 16:24</p> <p>concluding 5:8</p> <p>conclusion 4:10</p> <p>conditions 11:6,7 12:5</p> <p>conduct 3:10</p> <p>conducted 3:20</p> <p>connected 3:2</p> <p>consideration 6:22 8:5 9:13</p> <p>considered 9:2 16:18</p> <p>consisting 7:10</p> <p>consultations 13:2</p> <p>control 10:1 12:21</p> <p>coordinate 12:23</p> <p>coordinated 14:6</p> <p>copy 15:5</p> <p>corridor 13:8</p> <p>court 4:19 7:3</p> <p>covered 12:11</p> <p>covers 12:6,14</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>date 3:7</p> <p>December 3:8 15:3</p> <p>decision 7:18,21,23 9:4,5 16:19</p> <p>dedicated 4:24 6:2 14:16</p>	<p>defined 10:18 11:8</p> <p>Delaware 9:23 10:12,24 12:7 13:5, 15 14:11 15:1,2</p> <p>Delaware's 10:3,8,15</p> <p>Department 4:5 5:10,15 7:22 8:24 9:9,24 15:15</p> <p>Department's 4:13 5:22,23 15:6,12</p> <p>designated 3:15</p> <p>details 5:21</p> <p>develop 12:1,17,22 14:5</p> <p>developed 13:2</p> <p>dioxide 11:14</p> <p>displaying 14:14</p> <p>Division 4:13 9:23 15:13</p> <p>DNREC 3:10 4:2 6:11 8:10,14</p> <p>DNREC's 3:19 4:15,22 5:18 9:7</p> <p>DNRECHEARINGCOMMENTS@ DELAWARE.GOV 8:8</p> <p>document 4:1</p> <p>documentation 5:24</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>e-mail 6:7 8:8</p> <p>efforts 12:16</p> <p>Electronic 6:7</p> <p>electronically 4:7</p> <p>emission 10:20 13:20 14:2</p> <p>emissions 10:22 13:24 14:1</p> <p>enable 9:8</p> <p>enabled 5:11</p> <p>encourage 5:17</p> <p>end 16:6</p> <p>enforceable 13:20</p> <p>ensure 5:11 6:20</p> <p>enter 14:8 16:14</p> <p>entered 15:7,14</p> <p>entire 10:24</p> <p>Environmental 10:1,10 11:18 12:9</p>	<p>equally 9:3</p> <p>established 12:20</p> <p>evening 3:1,9 9:20</p> <p>event 4:7 5:6</p> <p>eventually 7:13</p> <p>exact 9:1</p> <p>exceeding 11:9,11</p> <p>Excellent 15:9,18</p> <p>Exhibit 14:19,21 15:8</p> <p>exhibits 5:23 7:13 14:9,14 15:12</p> <p>existence 11:12</p> <p>extended 11:18</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>Facebook 8:15</p> <p>federal 10:17 11:21</p> <p>feel 16:9,12</p> <p>final 9:4</p> <p>finalized 11:19</p> <p>form 8:7</p> <p>formal 4:14 15:14</p> <p>forum 12:21</p> <p>free 16:9,12</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gain 6:3</p> <p>Garvin 3:15 7:15 9:7</p> <p>gathered 3:21 7:15</p> <p>generate 4:3</p> <p>generated 5:13 6:18</p> <p>geographical 10:21</p> <p>germane 6:16</p> <p>Good 3:1 9:20</p> <p>Governing 14:24</p> <p>Great 13:11</p> <p>Group 9:22</p> <p>Gulf 13:11</p>
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<hr/> <p style="text-align: center;">H</p> <hr/> <p>Hampshire 13:10,11</p> <p>happy 16:22</p> <p>haze 10:18 11:4,19,24 12:23</p> <p>hearing 3:7,10,15,19,20 4:12,21,24 5:9,19 6:1,14,17,22 7:5,8,11,14 8:7, 11,19 9:7 10:2 14:16 15:8,14 16:12, 17</p> <p>hearings 4:3 6:11 15:24</p> <p>held 4:12 8:1 9:15,19,21 14:18,21 15:17</p> <p>Held's 5:7</p> <p>holiday 16:22</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>identified 14:16 15:12</p> <p>identifies 10:6</p> <p>impact 10:23</p> <p>impairing 11:13 14:1</p> <p>impairment 10:19 12:3</p> <p>implementation 3:11 4:16 10:4,5,9, 12,15 12:2,8,11,14,15,18 13:1,18 14:11,22</p> <p>important 7:20</p> <p>improve 11:21 14:7</p> <p>improvement 13:23</p> <p>include 10:23 11:14 13:19</p> <p>inclusion 5:12</p> <p>incorporated 6:17 16:17</p> <p>independently 3:22</p> <p>information 6:4</p> <p>initial 10:8,11</p> <p>interest 4:8</p> <p>interested 16:8</p> <p>international 11:11 13:13</p> <p>introductory 4:11</p> <p>Inventory 9:22</p> <p>issue 7:16</p>	<p>issued 8:12</p> <p>issues 10:14</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>January 5:16 6:24 7:12 8:2,22 9:1 16:15</p> <p>Jersey 13:8</p> <p>join 16:21</p> <p>joined 4:7</p> <p>joining 16:6</p> <p>July 12:10</p> <p>jump 16:13</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>large 10:23</p> <p>Lastly 8:17</p> <p>Law 5:20</p> <p>limitations 13:20</p> <p>limited 6:13</p> <p>link 6:7 8:7</p> <p>Lisa 3:14 9:19</p> <p>list 4:3</p> <p>live 15:23</p> <p>located 10:21 13:7</p> <p>locations 3:23</p> <p>long 8:23 16:14</p> <p>long-term 13:19</p> <p>Lye 13:9</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>made 7:22,23 9:6</p> <p>main 13:17</p> <p>Maine 13:12,14</p> <p>maintain 10:7</p> <p>maintains 4:5</p> <p>make 9:10 12:4 13:22</p> <p>making 4:14 9:3 16:19</p>	<p>manager 9:21</p> <p>mandates 11:1</p> <p>manner 8:22</p> <p>matter 4:9 5:1,5,13,21 6:1,13,16,18 7:19 8:12 9:4 11:15 14:17 16:19</p> <p>measures 13:21</p> <p>mechanism 9:8 15:22</p> <p>mechanisms 6:5 16:10</p> <p>media 8:15</p> <p>meeting 16:22</p> <p>member 4:12 13:5</p> <p>members 5:3,5 8:2 15:22</p> <p>memorial 11:10</p> <p>mention 14:19</p> <p>mentioned 9:16 15:20 16:11</p> <p>messaging 8:16</p> <p>Mid-atlantic 13:3,7 14:3</p> <p>Moosehorn 13:14</p> <p>move 16:2</p> <p>multistate 12:18</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>national 11:2,9,10,22 13:12</p> <p>natural 9:24 11:7 12:5</p> <p>nitrogen 11:14</p> <p>Northeast 13:3,7 14:4</p> <p>note 7:21 8:13,17</p> <p>noted 6:19 14:23</p> <p>notice 15:3</p> <p>notices 8:11</p> <p>Number 6:12,19 7:1,7,20 14:19</p> <p>numerous 10:13,20</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>offer 5:3,12 6:6,21 8:3 15:23 16:9</p> <p>officer 3:16</p> <p>Officer's 7:14</p>
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