

In the Matter Of:

Department of Natural Resources & Environmental Control

DELAWARE (SIP) & (PFI) HEARING

September 29, 2022



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

RE: Delaware State Implementation Plan (SIP):
"Low Enhanced Inspection and Maintenance
Program, Plan for Implementation (PFI)"

..

Virtual Public Hearing #3
Dial-In Number: 1-408-418-9388
Event Number: 2339 665 6055

Thursday, September 29, 2022
6:59 p.m.

..

BEFORE: Theresa Newman, Hearing Officer

FOR THE DIVISION: James Coverdale, DNREC

-- Transcript of Proceedings --

WILCOX & FETZER
Registered Professional Reporters
1330 King Street - Wilmington, Delaware 19801
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1 MS. NEWMAN: All right. We will
2 now begin the hearing for Docket Number
3 2022-R-A-0010. The date is Thursday,
4 September 29, 2022.

5 We are here this evening to provide
6 a virtual platform for the State of
7 Delaware's Department of Natural Resources
8 and Environmental Control to conduct its
9 virtual public hearing on the proposed
10 amendments to the Delaware State
11 Implementation Plan, Low Enhanced Inspection
12 and Maintenance Program Plan for
13 Implementation.

14 My name is Theresa Newman, and
15 Secretary Garvin has appointed me to serve as
16 the hearing officer for tonight's formal
17 proceeding.

18 First and foremost, this hearing is
19 being conduct virtually. No one is together
20 until the same room. Everyone is
21 participating independently at their own
22 respective locations.

23 While we are not physically
24 gathered tonight, WebEx does generate a list

1 of those that are virtually present for this
2 proceeding, so the Department will have a
3 record of those who have electronically
4 joined this event.

5 At the conclusion of these
6 introductory remarks, I will be turning the
7 hearing over to Department staff to provide
8 their presentation for the record being
9 generated in this matter.

10 Whereas the Department would then
11 open the verbal comment portion of the
12 hearing following the Department's
13 presentation, the Department did not receive
14 registration for verbal comment for this
15 hearing.

16 It is important to note that the
17 Department offered the opportunity for verbal
18 comment as noticed in the legal ads and
19 online.

20 Those who wished to provide a
21 verbal comment would have had to register by
22 12:00 p.m. today, to which there were no
23 registrants by that time.

24 There is a court reporter virtually

1 present who will prepare a verbatim
2 transcript of this hearing pursuant to the
3 statutory requirement for DNREC to have the
4 same prepared. And, as always, that
5 transcript will be posted on the hearing
6 webpage dedicated to this matter as soon as
7 it is received.

8 In addition, I would encourage
9 those who are attending tonight's hearing to
10 also visit the hearing webpage dedicated to
11 this matter for additional details concerning
12 the proposed regulatory matter.

13 The hearing webpage can be found
14 online under the Administrative Law Sections
15 of DNREC's website that will be listed at the
16 conclusion of tonight's hearing.

17 Before we begin the presentation
18 tonight, please be advised that the following
19 protocols remain in place for all DNREC
20 public hearings:

21 All comment received must be
22 limited solely to the subject matter of
23 tonight's hearing. All comments pertinent to
24 the subject matter of this virtual hearing

1 will be incorporated into the record being
2 generated in this matter.

3 In order to ensure that everyone
4 who wishes to offer comment for the
5 Secretary's consideration is accommodated,
6 the record in this matter shall remain open
7 for a minimum of 15 days following tonight's
8 proceedings.

9 There is only one authentic record
10 of this formal proceeding tonight, and it is
11 the official court reporter's verbatim
12 transcript.

13 The statutory purpose of tonight's
14 hearing is to build a record with regard to
15 the Department's proposed actions. A record
16 consisting of the transcript of the hearing
17 tonight, all written comment, all exhibits,
18 and eventually the Hearing Officer's Report
19 will be reviewed by Secretary Garvin.

20 The Secretary will ultimately issue
21 an order following that review process
22 containing his decision on this matter and
23 the reasons therefor.

24 Per DNREC's standard hearing

1 protocols, there will be no Q and A or chat
2 session permitted during the hearing. It is
3 important to note that no decision has
4 already been made by the Department, nor will
5 any decision be made tonight with regard to
6 the proposed regulatory matter.

7 As previously stated, DNREC wishes
8 to ensure that everyone is enabled to offer
9 their comments for inclusion into the record
10 being generated in this matter.

11 In light of the Administrative
12 Procedures Act, the Department is required
13 to, at a minimum, provide a comment period at
14 a minimum of 15 days after the hearing. As
15 noticed in the legal ads and online, the
16 Department stated that the public comment
17 will be open through Friday, October 14,
18 2022.

19 Comments may be submitted through a
20 comment form link on the hearing webpage, via
21 e-mail to DNRECHearingComments@delaware.gov,
22 or via U.S. Postal Services at the physical
23 address for DNREC indicated on the hearing
24 webpage and/or the public notices previously

1 issued in this matter.

2 Written comments to DNREC may be
3 submitted using phone -- may not be
4 submitted -- sorry -- using social media
5 platforms such as Twitter, Facebook, YouTube,
6 or text messaging.

7 Please remember that all comment
8 received either through USPS or via
9 electronic mechanisms noted just now, as long
10 as received by the Department on or before
11 October 14, will bear the exact same weight
12 and will be considered equally by the
13 Secretary prior to making a final decision in
14 this matter.

15 Lastly, the ultimate decision
16 regarding this matter is made by DNREC
17 Secretary Garvin.

18 This formal proceeding tonight acts
19 as a mechanism to enable the Department to
20 thoroughly vet the regulatory matter to the
21 public and to let the public know the various
22 ways to which comment may be submitted for
23 Secretary Garvin's consideration, if so
24 desired.

1 I will now hand it over to James
2 Coverdale with the Division of Air Quality to
3 provide the Department's presentation.

4 MR. COVERDALE: Thank you. Good
5 evening. My name is James Coverdale, and I
6 am an Environmental Program Manager with the
7 Planning Section with the Division of Air
8 Quality in Delaware's Department of Natural
9 Resources and Environmental Control.

10 The purpose of our third hearing
11 this evening is to receive public comment on
12 the proposed amendments to the Delaware State
13 Implementation Plan, Low Enhanced Inspection
14 and Maintenance Program, Plan for
15 Implementation, Docket Number 2022-R-A-0010.

16 The objective of the amendments to
17 the Delaware State Implementation Plan, Low
18 Enhanced Inspection and Maintenance Program,
19 Plan for Implementation, is to, one,
20 establish two separate documents, 7 Delaware
21 Administrative Code, Low Enhanced Inspection
22 and Maintenance Program, and a separate plan
23 for implementation; two, to correct an error
24 that was made with regulatory amendments in

1 2012. The plan for implementation was never
2 intended to be regulatory language or
3 included in the Delaware Administrative Code;
4 to request 7 Delaware Administrative Code 11,
5 Enhanced Inspection and Maintenance Program,
6 Plan for Implementation, be removed from the
7 regulations. The plan for implementation
8 should be a standalone document.

9 The amendments maintain consistency
10 with current State and Federal regulations:

11 40 Code of Federal Regulations, 50
12 Subpart S, Inspection and Maintenance; the
13 Clean Air Act, 42 United States Code 7522(a),
14 Section 203; and 21 Delaware Code, Chapter
15 21, registration of vehicles, Section 2109,
16 Section 2110, and Section 2143.

17 The Clean Air Act gives the
18 Environmental Protection Agency authority to
19 establish National Ambient Air Quality
20 Standards and regulations to protect public
21 health and the environment.

22 The EPA establishes primary
23 standards for human health and secondary
24 standards for welfare-based effects on soil,

1 water, crops, vegetation, manmade materials,
2 animals, wildlife, weather, visibility, and
3 climate.

4 National standards have been
5 established for six pollutants: Ozone,
6 particulate matter, carbon monoxide, lead,
7 nitrogen dioxide, sulfur dioxide.

8 A State Implementation Plan is a
9 collection of regulations and documents used
10 by the state to implement, maintain, and
11 enforce the National Ambient Air Quality
12 Standards, or NAAQS.

13 The Inspection and Maintenance
14 State Implementation Plan is basically a plan
15 for Clean Air. It's considered a living
16 document.

17 As attainment classification
18 changed, so, too, should the State
19 Implementation Plan.

20 The EPA is required to review and
21 approve all State Implementation Plans to
22 ensure that the air quality programs meet the
23 requirement of the Act.

24 If a state does not submit or EPA

1 disapproves a required State Implementation
2 Plan, the act requires EPA to promulgate an
3 Federal Implementation Plan, or FIP, and
4 impose sanctions.

5 Sanctions can include the loss of
6 Federal money in transportation funds.

7 A vehicle inspection and
8 maintenance program is a mandated requirement
9 of the Clean Air Act for any area classified
10 as moderate or above.

11 Sussex County was designated as
12 marginal non-attainment for the one-hour
13 ozone standard in 1979, so a basic inspection
14 and maintenance plan testing program was
15 implemented, because the Metropolitan
16 statistical area was less than 200,000.

17 A Low Enhanced Inspection and
18 Maintenance Program for Kent and New Castle
19 Counties was implemented on January 1, 1983,
20 due to New Castle County being designated
21 non-attainment from the 1979 one-hour
22 standard with a severe classification in
23 1981.

24 During that time, Governor DuPont

1 mandated an inspection and repair program to
2 address emissions from highway vehicles and
3 improve human health. High-emitting vehicles
4 are required to be repaired.

5 Delaware implemented a State
6 Implementation Plan, Low Enhanced Inspection
7 and Maintenance Program, Plan for
8 Implementation. The plan was last revised in
9 2006 but was mistakenly included as part of
10 Delaware Administrative Code 1131. To be
11 approved by the EPA, the State Implementation
12 Plan needs to be a separate standalone
13 document encompassing the entire inspection
14 and maintenance plan in Delaware.

15 The inspection and maintenance
16 program in Kent and New Castle County helps
17 to improve air quality standards by
18 identifying high-emitting vehicles that are
19 required to be repaired.

20 Vehicles are required to be tested
21 every two years at the Division of Motor
22 Vehicle as part of the vehicle registration
23 or renewal process.

24 Emissions testing is performed on

1 gasoline and diesel-powered light-duty
2 vehicles weighing up to 8,500 pounds.

3 Vehicles 1996 and older, no
4 emissions tests are required. Vehicles 1968
5 through 1980, an idle test is required.

6 Vehicles 1981 through 1995, two-speed idle
7 test, a gas cap test, and a tank pressure
8 test is required. Vehicles 1996 to the

9 newest five model years, the onboard
10 diagnostic test is required. And the newest
11 five model years are exempt.

12 Vehicles with excess emissions or
13 malfunctioning emissions control systems are
14 required to be repaired. To be eligible for
15 emissions waiver for vehicles 1968 to 1980,
16 vehicle owners must spend at least \$75 on
17 emission repairs.

18 Vehicles 1981 or newer, registered
19 in Kent or New Castle County, must spend
20 fixed amounts on emissions-related repairs to
21 qualify for a waiver.

22 The waiver threshold is consistent
23 with 40 CFR 51. The threshold is calculated
24 by averaging Consumer Price Index Data for a

1 basket of all goods. The current amount for
2 2022 is \$978, and it increases annually.

3 On June 20, 2017, House Bill
4 2046 -- I'm sorry -- House Bill 246 was
5 introduced to the General Assembly and was
6 signed into law on September 21, 2017 by
7 Governor Carney.

8 The House Bill was introduced to
9 enhance the customer service experience for
10 all Delaware drivers by increasing the
11 inspection exemption from five to seven years
12 for all new vehicles.

13 This exemption applies to vehicles
14 purchased after July 1, 2012. The
15 legislation reduced the number of inspections
16 by approximately 45,000 vehicles, allowing
17 owners of vehicles with a current five-year
18 expiration to easily renew their registration
19 for an additional two years within 90 days of
20 registration expiration.

21 Even though this helped to
22 streamline the testing process at the
23 Division of Motor Vehicles, the exemption of
24 vehicles from the extension of vehicles from

1 five to seven years resulted in an emissions
2 increase in the entire inspection and
3 maintenance program and created an air
4 quality attainment problem.

5 The result of the legislation left
6 no emissions benefit in Sussex County and a
7 deficit in Kent and New Castle Counties.

8 Delaware is required by the EPA to
9 demonstrate air quality benefits statewide.
10 By modifying the inspection and maintenance
11 program in all three counties, Delaware is
12 effectively able to apply emission reduction
13 credits from Sussex County to the deficits in
14 New Castle and Kent Counties to meet
15 Delaware's air quality goals.

16 The Department initiated a Start
17 Action Notice 2018-05 to implement changes to
18 Regulation 1131. The Start Action Notice was
19 approved by the Department Secretary, and
20 notification was sent to the General Assembly
21 on April 18, 2018.

22 The Department prepared some draft
23 amendments to Regulation 1131 for our May 23,
24 2018 public workshop, and public comments

1 were requested.

2 The Division of Air Quality worked
3 with the Division of Motor Vehicles on
4 suggested regulatory language. The Division
5 of Air Quality also conducted seven MOVES
6 modeling scenarios to support the inspection
7 and maintenance program.

8 The Department also realized that
9 the State Implementation Plan for
10 implementation was mistakenly included in
11 1131. The State Implementation Plan is to
12 encompass the entire inspection and
13 maintenance program and should not be
14 included in 7 Delaware Administrative Code
15 1131.

16 Delaware proposed deletion of the
17 State Implementation Plan from Regulation
18 1131. The State Implementation Plan was
19 separated and became a standalone document.

20 The modeling for the programs will
21 be presented on another slide.

22 The Department also presented the
23 information in public workshop held on
24 May 25, 2022 at 10:00 a.m. and 6:00 p.m.

1 Comments were again requested.

2 The Department published those
3 proposed amendments in the September 1, 2022
4 Delaware Register.

5 By exempting two model years of
6 vehicles from the program, the passage of
7 House Bill 246 caused the emission increase
8 of 17 tons of NOx and 12.9 tons of VOCs in
9 the program for New Castle and Kent County.
10 Sussex County experienced zero increases of
11 NOx but a 1.7-ton increase in VOCs.

12 Delaware must demonstrate to the
13 EPA that revisions to regulations do not
14 interfere with attainment and maintenance of
15 any National Ambient Air Quality Standard in
16 effect at the time of revision.

17 Due to an increase in pollution
18 resulting from the legislative mandate of
19 House Bill 246, the Division of Air Quality
20 staff analyzed several scenarios to offset
21 emission increases.

22 The Department worked with the
23 Division of Motor Vehicle to identify program
24 options to solve the increases realized by

1 the expansion of the vehicles exempt from
2 receiving the vehicle emissions test.

3 In the course of those discussions,
4 the Division of Motor Vehicle further
5 requested the two-speed idle test be
6 eliminated for older vehicles in Kent and New
7 Castle Counties.

8 In order to account for the
9 emission increased attributed to the
10 legislation and the Division of Motor Vehicle
11 requests, the Department modeled several
12 scenarios using Motor Vehicle Emission
13 Simulator 2014(b) in order to establish a
14 cohesive statewide emissions IM, inspection
15 and maintenance program, and present Division
16 recommendations to Department and Department
17 of Transportation senior leadership for
18 consideration.

19 Following consultation with the
20 staff at Region 3 Environmental Protection
21 Agency, Region 3 staff agreed that the
22 emissions reductions attributed to an onboard
23 diagnostic testing program in Sussex County
24 could be used to offset, in part, the

1 emission increases attributed to the vehicle
2 exemption.

3 Considering the input from the EPA
4 and the Division of Motor Vehicles, the
5 Department modeled and analyzed seven
6 following cases:

7 Case 1 established a model baseline
8 for the program with five-model-year
9 exemption. This baseline was used to compare
10 changes in emissions from the different
11 modeling cases.

12 Case 2 demonstrates the impact of
13 House Bill 246 with the emission increases of
14 17 tons of NOx and 14.6 tons of VOCs combined
15 for all three counties. These increases
16 would interfere with the attainment and
17 maintenance of the National Ambient Air
18 Quality Standard.

19 Case 3 modeled the testing
20 requirements of an onboard diagnostic test
21 for vehicles up to 14,000 pounds, a
22 single-speed idle test for vehicles up to
23 8,500 pounds, and the seven-model-year
24 exemption.

1 The modeling for Sussex County
2 demonstrated emission reductions, but in Kent
3 and New Castle it demonstrated an increase to
4 both NOx and VOCs in excess of the increases
5 from the exemption extension.

6 Case 4 modeled the testing
7 requirements of an onboard diagnostic test
8 for vehicles up to 14,000 pounds, a two-speed
9 idle test for vehicles up to 8,500 pounds,
10 and the seven-model-year exemption. For
11 Sussex County, this model case deviated from
12 the baseline model, as Sussex does not
13 currently have a two-speed idle requirement.

14 Modeling for an onboard diagnostic
15 test for vehicles up to 8,500 pounds and
16 testing of the pre-1996 vehicles -- and no
17 testing of the pre-1996 vehicles. This case
18 resulted in a substantial increase in VOCs in
19 New Castle and Kent Counties above the
20 emission increases from House Bill 246. The
21 reduction in Sussex County was not sufficient
22 to overcome the increases in Kent and New
23 Castle Counties.

24 Case 6 modeled for an onboard

1 diagnostic test for vehicles up to
2 14,000 pounds and no testing of pre 1996
3 vehicles.

4 Similar to Case 5, this case also
5 resulted in an increase in VOCs in Kent and
6 New Castle Counties above the emissions
7 increase from the exemption extension.

8 The reduction in Sussex County was
9 not sufficient to overcome the increase in
10 Kent and New Castle Counties.

11 Case 7 modeled the testing
12 requirements of an onboard diagnostic test
13 for vehicles up to 14,000 pounds, a
14 single-speed idle test and a gas cap test for
15 vehicles up to 8,500 pounds, and the
16 seven-model-year exemption.

17 Emission reductions from Sussex
18 County was sufficient to cover the emission
19 increases in Kent and New Castle Counties.

20 Case 7 was selected and included in
21 the revision to 7 Delaware Administrative
22 Code 1126 and 7 Delaware Administrative Code
23 1131, as it demonstrates to the EPA that this
24 revision will not interfere with attainment

1 and maintenance of any National Ambient Air
2 Quality Standards in effect at the time of
3 revision, and incorporates the Division of
4 Motor Vehicle request to eliminate the
5 two-speed idle test.

6 The proposed amendments encourage
7 proper vehicle maintenance and discourages
8 the tampering of vehicle emission controls by
9 vehicle owners. Reducing vehicle emissions
10 will improve air quality, will help maintain
11 a healthy environment, and will help improve
12 health-related impacts.

13 The proposed amendments will also
14 ensure Delaware vehicle owners comply with
15 the Federal Clean Air Act requirements and
16 the EPA vehicle emission standards in all
17 counties.

18 Once vehicle owners ensure that
19 their vehicles are fixed and standard, people
20 may begin to notice spending less at the fuel
21 pump, less hospital visits for respiratory
22 related problems, and cleaner air quality.

23 The final proposed amendments
24 include a standalone draft Delaware State

1 Implementation Plan, Low Enhanced Inspection
2 and Maintenance Program Plan for
3 Implementation removed from Regulation 1131.

4 The proposed amendment should meet
5 the EPA requirements for Delaware to
6 implement a State Implementation Plan for the
7 vehicle inspection and maintenance program.

8 To meet the emission shortfalls in
9 the I&M program in New Castle County, the
10 Department proposes amendments to change the
11 older vehicle testing requirements to curb
12 idle and gas cap tests and additional
13 inspection to make sure the vehicle has
14 catalytic converter installed.

15 The Department proposed an
16 expansion for vehicles model year 2008 and
17 newer but increased the weight of vehicles
18 that must get onboard diagnostic tests for
19 all light-duty and medium-duty gasoline and
20 diesel vehicles weighing from 8,501 pounds to
21 14,000 pounds to provide additional emission
22 credits.

23 The Division of Motor Vehicle
24 requests that the two-speed idle test be

1 removed and replaced with the onboard
2 diagnostic test. The onboard diagnostic test
3 is a less invasive test where the Division of
4 Motor Vehicle associate inserts a plug from
5 the computer into the vehicle's dashboard to
6 download information about the performance of
7 the vehicle's emission system.

8 The onboard diagnostic test can
9 detect where an emission problem occurs in a
10 vehicle, and it can identify what components
11 or systems need fixing.

12 Additionally, the Department has
13 proposed the onboard diagnostic test in
14 Sussex County and to continue with the
15 onboard diagnostic test in Kent and New
16 Castle County, because vehicle migration data
17 shows that vehicles registered in one county
18 often travel to and/or through both the
19 remaining counties in the state on a daily
20 basis, which means the emissions affecting
21 one county affect the remaining two counties.

22 The Clean Air Act, Section 203A,
23 gives the United States Environmental
24 Protection Authority the authority to enforce

1 tampering violations.

2 The Division of Air Quality is
3 amending the Regulation 1131 to include new
4 language to address the sale and use of
5 illegal defeat devices.

6 Now we would like to enter 35
7 exhibits shown on the following six slides
8 into the public record to support the
9 proposed amendments to Delaware State
10 Implementation Plan, Low Enhanced Inspection
11 and Maintenance Program, Plan for
12 Implementation, Docket Number 2022-R-A-0010.

13 Exhibit 1: Department technical
14 support document.

15 Exhibit 2: 40 CFR 52.

16 Exhibit 3: 21 Delaware Code 2109,
17 period of registration effective date.

18 Exhibit 4: 21 Delaware Code,
19 Section 2110, renewal of registration, new
20 card and plate, cancellation of renewal by
21 owner prior to effective date.

22 Exhibit 5: 21 Delaware Code,
23 Section 2143, inspection in motor vehicle
24 before registration, exception vehicles

1 outside of state.

2 Exhibit 6: Delaware House Bill
3 246.

4 Exhibit 7: Start Action Notice
5 2018-05 approved by the Department Secretary
6 on April 12, 2018.

7 Exhibit 8: Memo to the General
8 Assembly from the Office of the Secretary
9 announcing Start Action Notice 2018-05 dated
10 April 12, 2018.

11 Exhibit 9: Affidavit and legal
12 notice in the April 29, 2018 Delaware State
13 News that advertised the May 23, 2018 public
14 workshop.

15 Exhibit 10: Affidavit for the
16 April 29, 2018 News Journal that advertised
17 the May 23, 2018 public workshop.

18 Exhibit 11: Legal notice for the
19 April 29, 2018 News Journal that advertised
20 the May 23, 2018 public workshop.

21 Exhibit 12: Register notice and
22 proposed amendments to 7 Delaware
23 Administrative Code 1131 published in the
24 Delaware Register of Regulations on

1 September 1, 2022.

2 Exhibit 13: Proposed amendments to
3 7 Delaware Administrative Code 1131,
4 published in the Delaware Register of
5 Regulations on September 1, 2022.

6 Exhibit 14: Register notice and
7 proposed amendments to the Low Enhanced
8 Inspection and Maintenance Program, Plan for
9 Implementation published in Delaware Register
10 of Regulations on September 1, 2022.

11 Exhibit 15: Proposed amendments to
12 Low Enhanced Inspection and Maintenance
13 Program, Plan for Implementation, published
14 in the Delaware Register of Regulations on
15 September 1, 2022.

16 Exhibit 16: Department
17 presentation for the May 23, 2018 public
18 workshop.

19 Exhibit 17: Department sign-in
20 sheet for the May 23, 2018 public workshop.

21 Exhibit 18: Affidavit for the May
22 1, 2022 Delaware State News that advertised
23 the 10:00 a.m. and 6:00 p.m. May 25, 2022
24 public workshops.

1 Exhibit 19: Legal notice for the
2 May 1, 2022 Delaware State News that
3 advertised the 10:00 a.m. and 6:00 p.m.
4 May 25, 2022 public workshops.

5 Exhibit 20: Affidavit for the
6 May 3, 2022 Cape Gazette that advertised the
7 10:00 a.m. and 6:00 p.m. May 25, 2022 public
8 workshops.

9 Exhibit 21: Legal notice in the
10 May 3, 2022 Cape Gazette that advertised the
11 10:00 a.m. and 6:00 p.m. May 25th public
12 workshops.

13 Exhibit 22: Notice of public
14 workshops on the State of Delaware Public
15 Meeting Calendar, September 19, 2022.

16 Exhibit 23: Department news
17 release published on May 13, 2022, announcing
18 DNREC to update vehicle emission testing
19 requirements.

20 Exhibit 24: Department
21 presentation given at 10:00 a.m. and
22 6:00 p.m., virtual public workshop held on
23 May 25, 2022.

24 Exhibit 25: Department sign-in

1 sheet from the 10:00 a.m. virtual public
2 workshop held on May 25, 2022.

3 Exhibit 26: Department sign-in
4 sheet from the 6:00 p.m. virtual public
5 workshop held on May 25, 2022.

6 Exhibit 27: Department survey and
7 response summary from the 10:00 a.m. and
8 6:00 p.m. virtual public workshops held on
9 May 25, 2022.

10 Exhibit 28: Affidavit from the
11 Delaware State News dated August 28, 2022
12 that advertises today's hearing.

13 Exhibit 29: Legal notice from the
14 Delaware State News dated August 28, 2022
15 that advertises today's hearing.

16 Exhibit 30: Affidavit from the
17 News Journal dated August 28, 2022 that
18 advertises today's hearing.

19 Exhibit 31: Legal notice from the
20 News Journal dated August 28, 2022 that
21 advertises today's hearing.

22 Exhibit 32: Notice of today's
23 hearing on the Delaware State Public Meeting
24 Calendar dated August 28, 2022.

1 Exhibit 33: Legal notice for
2 today's hearing as posted on the website for
3 DNREC public hearings dated August 28, 2022.

4 Exhibit 34: Regulatory Flexibility
5 Analysis and Impact Statement Form published
6 in Delaware Register of Regulations
7 September 1, 2022.

8 Exhibit 35: The Department's
9 presentation at today's, for today's hearing.

10 The Department would like to thank
11 you for joining us at the public hearing for
12 Delaware State Implementation Plan, Low
13 Enhanced Inspection and Maintenance Program,
14 Plan for Implementation, Docket Number
15 2022-R-A-0010.

16 Comments may be submitted in
17 writing using the online form at de.gov/DNREC
18 Comments, or via e-mail to
19 DNRECHearingComments@Delaware.gov, or by U.S.
20 mail to Theresa Newman, Hearing Officer,
21 DNREC, Office of the Secretary, 89 Kings
22 Highway, Dover, Delaware, 19901.

23 The public record will remain open
24 until October 14, 2022.

1 This concludes the Department's
2 presentation.

3 MS. NEWMAN: Thank you,
4 Mr. Coverdale. I did receive the electronic
5 versions of the proposed exhibits by the
6 Department and hereby mark these exhibits as
7 Department's 1 through -- I'm sorry -- as
8 Department's Exhibits 1 through 35.

9 As the Department received no
10 registration for public comment by 12:00 p.m.
11 today, there will be no verbal comment
12 portion of this hearing.

13 Again, if you wish to submit
14 written comment, please follow the
15 instructions that were just given.

16 The record will remain open through
17 Friday, October 14, 2022. I would like to
18 thank you all for attending the virtual
19 public hearings tonight.

20 This hearing is now concluded at
21 7:32 p.m. Thank you.

22 (Concluded at 7:32 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 5th day of October 2022.



Lorena J. Hartnett
Registered Professional Reporter

Delaware (SIP) & (PFI) Hearing - September 29, 2022

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\$75 14:16	2 20:12 26:15	31 30:19
\$978 15:2	20 15:3 29:5	32 30:22
<hr/> 1 <hr/>	200,000 12:16	33 31:1
1 12:19 15:14 18:3 20:7 26:13 28:1,5, 10,15,22 29:2 31:7 32:7,8	2006 13:9	34 31:4
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