



DNREC Virtual Public Hearing

Proposed Amendments to:

7 DE Admin. Code 1131 “Low Enhanced Inspection and Maintenance Program – Kent and New Castle Counties”

(Docket #2022-R-A-0002)

Welcome. Any visual content that is part of this hearing will appear in this window.

Computer Audio: Use the **audio connections menu** to turn audio on or off.

Telephone Audio: DIAL-in Number: 1-408-418-9388

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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 1131 “Low Enhanced Inspection and Maintenance Program – Kent and New Castle Counties” (Docket #2022-R-A-0002)

The objective of the amendments to 7 DE Admin. Code 1131 “Low Enhanced Inspection and Maintenance Program – Kent and New Castle Counties” is to:

1. Expand the model year exemption from five to seven years.
2. Expand the vehicles covered by the program to include vehicles weighing 8,501 pounds to 14,000 pounds gross vehicle weight beginning with model year 2008.
3. Change the older vehicle testing requirements to include curb idle and gas cap tests.
4. Add anti-tampering language.

The amendments maintain consistency with current federal and state regulations:

- 40 Code of Federal Regulations (CFR) 50 Subpart S – Inspection and Maintenance
- Clean Air Act (42 U.S.C. 7522(a))Section 203
- 21 Del. C. Ch. 21, Registration of Vehicles (§2109, §2110, and §2143)

Division of Air Quality

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7 DE Admin. Code 1131 “Low Enhanced Inspection and Maintenance Program – Kent and New Castle Counties”

(Docket #2022-R-A-0002)

Background:

- Enhanced Inspection and Maintenance Program (I/M) implemented August 1, 1989
 - New Castle designated “Severe” nonattainment for the 1-hour ozone standard.
 - Included in Philadelphia-Camden-Wilmington Metropolitan Statistical Area with population over 200,000.
 - I/M programs improve air quality by identifying high emitting vehicles and require the vehicles to be repaired.

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7 DE Admin. Code 1131 “Low Enhanced Inspection and Maintenance Program – Kent and New Castle Counties” (Docket #2022-R-A-0002)

Current Program:

- Vehicles tested every 2 years
- Vehicle Testing (Lt. duty gas and diesel vehicles up to 8,500 pounds)
 - 1967 – older not emission tested
 - 1968 – 1980 idle test
 - 1981 – 1995 curb idle test, gas cap, and tank pressure test
 - 1996 – newest 5 model year OBD-test
 - Newest 5 model year - exempt
- Vehicles required to be repaired by Certified Emission Repair Technician.
 - 1968 – 1980 \$75 on emission related repairs
 - 1981 – newer Fixed amount on emission related repairs.
- Passage of HB 246 left Delaware with a program wide increase in emissions
 - 2 years of vehicles not inspected or repaired (approximately 45,000 vehicles)
 - No emissions benefit in Sussex but a deficit in Kent and New Castle

Division of Air Quality

Proposed Amendments to
7 DE Admin. Code 1131 “Low Enhanced Inspection and
Maintenance Program – Kent and New Castle Counties”
(Docket #2022-R-A-0002)

Regulatory Development Process/Outreach:

- Start Action Notice #2018-05 approved and General Assembly notified on April 18, 2018
- Public Workshop held on May 23, 2018
 - Draft regulatory changes proposed
 - Comments requested
- Division of Air Quality worked with Division of Motor Vehicles
- Division conducted several MOVES modeling scenarios (modeling presented on next slide)
- Public Workshops held on May 25, 2022 (10 am and 6 pm)
 - Comments requested

Division of Air Quality

Proposed Amendments to 7 DE Admin. Code 1131 “Motor Vehicle Emissions Inspection Program” (Docket #2022-R-A-0002)

Modeling and Results:

| | | | | Emission Increases Relative to Current plan (5 year exemption) (Tons/Year) | | | |
|--------------|------|-------------------------------------|---------------------------|---|-------------|------|---|
| Modeled Year | Case | Action / Option | Non-Attainment Area | CO | NOx | VOC | Comments |
| 2021 | 1 | Baseline Case [5-year exemption] | Kent/ New Castle Counties | 0.0 | 0.0 | 0.0 | The existing I/M program. |
| | | | Sussex County | 0.0 | 0.0 | 0.0 | |
| | | Sum | 0.0 | 0.0 | 0.0 | | |
| 2021 | 2 | Impact of HB-246 [7-year exemption] | Kent/New Castle Counties | 401.3 | 17.0 | 12.9 | The impact of HB-246 which resulted in a jump in emissions. |
| | | | Sussex County | 65.3 | 0.0 | 1.7 | |
| | | Sum | 466.6 | 17.0 | 14.6 | | |

Division of Air Quality

Proposed Amendments to 7 DE Admin. Code 1131 “Motor Vehicle Emissions Inspection Program” (Docket #2022-R-A-0002)

Table 8. Modeling for I/M Program Final Recommendations

| | | | | | | | |
|------|---|-----------------------------------|--------------------------|---------------|--------------|--------------|--|
| 2021 | 3 | OBD 14,000 + SSI 8,500 7MY Exempt | Kent/New Castle Counties | 340.8 | 11.1 | 16.3 | OBD testing for vehicles weighing up to 14,000 lb, a single speed idle test for older light duty vehicles. |
| | | | Sussex County | -470.3 | -95.6 | -51.9 | |
| | | | Sum | -129.5 | -84.5 | -35.6 | |
| 2021 | 4 | OBD 14,000 + TSI 8,500 7MY Exempt | Kent/New Castle Counties | 287.4 | 7.6 | 9.2 | Case 3 with a two speed idle test. |
| | | | Sussex County | n/a | n/a | n/a | Not modeled for Sussex County as this would be a difficult to achieve. |
| | | | Sum | n/a | n/a | n/a | |
| 2021 | 5 | OBD Only, 8,500 lb | Kent/New Castle Counties | 580.7 | 13.6 | 47.1 | An OBD only plan for light duty vehicle resulted in a pollutants in Kent & New Castle Counties. There was no testing of pre-1996 vehicles. |
| | | | Sussex County | -313.0 | -91.8 | -29.6 | The reduction in Sussex County was not sufficient to overcome the increase in Kent & New Castle Counties. |
| | | | Sum | 267.7 | -78.2 | 17.5 | |

Division of Air Quality

Proposed Amendments to 7 DE Admin. Code 1131 “Motor Vehicle Emissions Inspection Program” (Docket #2022-R-A-0002)

| | | | | | | | |
|------|---|---|--------------------------------|---------------|--------------|--------------|--|
| 2021 | 6 | OBD Only, 14,000 lb | Kent/New Castle Counties | 502.2 | 7.6 | 42.1 | Including OBD testing for heavier vehicles (Model years 2008 and later had a modest improvement -- not enough emission reductions. |
| | | | Sussex County | -346.0 | -94.6 | -32.3 | |
| | | | Sum | 156.2 | -87.0 | 9.8 | |
| | | | | | | | |
| 2021 | 7 | OBD 14,000 + SSI 8,500 7MY Exempt + GasCap | Kent/New Castle Counties | 287.4 | 7.6 | 9.2 | The same as Case 3, but with a gas cap test. |
| | | | Sussex County | -457.0 | -94.6 | -52.8 | |
| | | | Sum | -169.6 | -87.0 | -43.6 | The emission reductions for all pollutants when both counties are totaled showed the best overall result (slightly better than for option 3. This was the option Selected |

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Benefits:

- Proper vehicle maintenance
- Cohesive program with Kent and New Castle County that ensure vehicles comply with Federal Clean Air Act Requirements and EPA vehicle emission standards
 - Reduction of vehicle emissions
 - Spend less at the fuel pump
 - Less hospital visits
 - Cleaner air quality for all Delawareans

Division of Air Quality

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Final Draft Proposal:

- Expand the model year exemption from five to seven years.
- Expand the vehicles covered by the program to include vehicles weighing 8,501 pounds to 14,000 pounds gross vehicle weight beginning with model year 2008.
- Change the older vehicle testing requirements to include curb idle and gas cap tests.
- Add anti-tampering language.
- Non-substantive amendment as detailed in the Errata Table for 1131

Division of Air Quality

Proposed Amendments to 7 DE Admin. Code 1131 “Low Enhanced Inspection and Maintenance Program – Kent and New Castle Counties” (Docket #2022-R-A-0002)

Hearing Exhibit List:

- Exhibit 1: Department Technical Support Document
- Exhibit 2: 40 CFR 51 Subpart S - Inspection/Maintenance Program Requirements
- Exhibit 3: 21 Delaware Code § 2109.
- Exhibit 4: 21 Delaware Code § 2110.
- Exhibit 5: 21 Delaware Code § § 2143.
- Exhibit 6: Delaware House Bill 246
- Exhibit 7: Start Action Notice 2018-04 approved by the Department Secretary on April 12, 2018.

Division of Air Quality

Proposed Amendments to 7 DE Admin. Code 1131 “Low Enhanced Inspection and Maintenance Program – Kent and New Castle Counties” (Docket #2022-R-A-0002)

Hearing Exhibit List (Cont.):

- Exhibit 8: Memo to General Assembly from the Office of the Secretary announcing Start Action Notice 2018-04 dated April 12, 2018.
- Exhibit 9: Affidavit and legal notice in the April 29, 2018 Delaware State News that advertised the May 23, 2018 Public Workshop.
- Exhibit 10: Affidavit for the April 29, 2018 News Journal that advertised the May 23, 2018 Public Workshop.
- Exhibit 11: Legal Notice for the April 29, 2018 News Journal that advertised the May 23, 2018 Public Workshop.

Division of Air Quality

Proposed Amendments to

7 DE Admin. Code 1131 “Low Enhanced Inspection and Maintenance Program – Kent and New Castle Counties”
(Docket #2022-R-A-0002)

Hearing Exhibit List (Cont.):

- Exhibit 12: Register Notice for 7 DE Admin. Code 1126, published in Delaware Register of Regulations on September 1, 2022.
- Exhibit 13: Proposed amendments to 7 DE Admin. Code 1126, published in Delaware Register of Regulations on September 1, 2022.
- Exhibit 14: Department presentation for the May 23, 2018 Public Workshop.
- Exhibit 15: Department sign-in sheet for the May 23, 2018 Public Workshop.
- Exhibit 16: Affidavit for the May 1, 2022 Delaware State News that advertised the 10:00 am and 6:00 pm May 25, 2022 Public Workshops.

Division of Air Quality

Proposed Amendments to

7 DE Admin. Code 1131 “Low Enhanced Inspection and Maintenance Program – Kent and New Castle Counties”
(Docket #2022-R-A-0002)

Hearing Exhibit List (Cont.):

- Exhibit 17: Legal Notice for the May 1, 2022 Delaware State News that advertised the 10:00 am and 6:00 pm May 25, 2022 Public Workshops.
- Exhibit 18: Affidavit for the May 3, 2022 Cape Gazette that advertised the 10:00 am and 6:00 pm May 25, 2022 Public Workshops.
- Exhibit 19: Legal Notice in the May 3, 2022 Cape Gazette that advertised the 10:00 am and 6:00 pm May 25, 2022 Public Workshops.
- Exhibit 20: Notice for Public Workshops on the State of Delaware Public Meeting Calendar, September 19, 2022.

Division of Air Quality

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Hearing Exhibit List (Cont.):

- Exhibit 21: Department News Release published on May 13, 2022 announcing “DNREC To Update Vehicle Emission Testing Requirements”.
- Exhibit 22: Department presentation given at the 10:00 am and 6:00 pm Virtual Public Workshops held on May 25, 2022.
- Exhibit 23: Department sign-in sheet from the 10:00 am Virtual Public Workshop held on May 25, 2022.
- Exhibit 24: Department sign-in sheet from the 6:00 pm Virtual Public Workshop held on May 25, 2022.

Division of Air Quality

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Hearing Exhibit List (Cont.):

- Exhibit 25: Department survey and response summary from the 10:00 am and 6:00 pm Virtual Public Workshops held on May 25, 2022.
- Exhibit 26: Affidavit from the Delaware State News dated August 28, 2022 that advertises today’s hearing.
- Exhibit 27: Legal Notice from the Delaware State News dated August 28, 2022 that advertises today’s hearing.
- Exhibit 28: Affidavit from the News Journal dated August 28, 2022 that advertised today’s hearing.

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Hearing Exhibit List (Cont.):

- Exhibit 29: Legal Notice from the News Journal dated August 28, 2022 that advertised today’s hearing.
- Exhibit 30: Notice for today’s hearing on the State of Delaware Public Meeting Calendar, dated August 28, 2022.
- Exhibit 31: Legal notice for today’s hearing, as posted on the website for DNREC Public Hearings, dated August 28, 2022.
- Exhibit 32: Regulatory Flexibility Analysis and Impact Statement Form, published in Delaware Register of Regulations, September 1, 2022.
- Exhibit 33: Errata Table for non-substantive changes.
- Exhibit 34: 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 **October 14, 2022**.

Comments may be submitted in writing

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

Theresa Newman, 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/dnrehearings>