



DNREC Virtual Public Hearing

Proposed Amendments to:

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

(Docket #2022-R-A-0010)

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

Access code: 2339 665 6055 Password: MVEIP

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 Delaware State Implementation Plan (SIP): “Low Enhanced Inspection and Maintenance Program, Plan for Implementation (PFI)” (Docket #2022-R-A-0010)

The objective of the amendments to Delaware State Implementation Plan (SIP): “Low Enhanced Inspection and Maintenance Program, Plan for Implementation (PFI)” is to:

1. Establish two separate documents: 7 DE Admin. Code 1131 Low Enhanced Inspection and Maintenance Program and a separate Plan for Implementation (PFI).
2. Correct an error that was made with regulatory amendments in 2012. The PFI was never intended to be regulatory language or included in Delaware Code.
3. The PFI should be a stand-alone document.

The amendments maintain consistency with current federal and state regulations:

- 40 Code of Federal Regulations (CFR) 51 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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Background:

- The Clean Air Act gives the Environmental Protection Agency (EPA) authority to establish national ambient air quality standards (NAAQS) and regulations to protect public health and the environment.
- National standards have been established for 6 pollutants: Ozone, Particulate Matter (PM_{2.5} and PM₁₀), Carbon Monoxide (CO), Lead, Nitrogen Dioxide (NO₂), Sulfur Dioxide (SO₂)
- Delaware is in non-attainment for ozone.
- The Inspection and Maintenance Program was implemented.
 - Sussex County: January 1, 1983
 - Kent/New Castle County: August 12, 1989
- Delaware State Implementation Plan (SIP): “Low Enhanced Inspection and Maintenance Program, Plan for Implementation (PFI)” was included as part of 7 DE Admin C. 1131
 - Needs to be separate stand-alone document.

Division of Air Quality

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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

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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
- Separate the State Implementation Plan (SIP): “Low Enhanced Inspection and Maintenance Program, Plan for Implementation (PFI)” from 7 DE Admin C 1131

Division of Air Quality

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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

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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

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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 statewide program that ensures vehicles comply with Federal Clean Air Act Requirements and EPA vehicle emission standards
 - Benefits human health
 - Reduction of vehicle emissions
 - Cleaner air quality for all Delawareans

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Final Draft Proposal:

- A stand-alone draft Delaware State Implementation Plan (SIP): “Low Enhanced Inspection and Maintenance Program, Plan for Implementation (PFI)”.
- EPA requirement for Delaware to implement a State Implementation Plan for the Vehicle Inspection and Maintenance Program

Division of Air Quality

Proposed Amendments to Delaware State Implementation Plan (SIP): “Low Enhanced Inspection and Maintenance Program, Plan for Implementation (PFI)” (Docket #2022-R-A-0010)

Hearing Exhibit List:

- Exhibit 1: Department Technical Support Document
- Exhibit 2: 40 CFR 52
- 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.
- Exhibit 8: Memo to General Assembly from the Office of the Secretary announcing Start Action Notice 2018-05 dated April 12, 2018.

Division of Air Quality

Proposed Amendments to Delaware State Implementation Plan (SIP): “Low Enhanced Inspection and Maintenance Program, Plan for Implementation (PFI)” (Docket #2022-R-A-0010)

Hearing Exhibit List (Cont.):

- 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.
- Exhibit 12: Register Notice and Proposed amendments to 7 DE Admin. Code 1131, published in Delaware Register of Regulations on September 1, 2022.
- Exhibit 13: Proposed amendments to 7 DE Admin. Code 1131, published in the Delaware Register of Regulations on September 1, 2022.

Division of Air Quality

Proposed Amendments to Delaware State Implementation Plan (SIP): “Low Enhanced Inspection and Maintenance Program, Plan for Implementation (PFI)” (Docket #2022-R-A-0010)

Hearing Exhibit List (Cont.):

- Exhibit 14: Register Notice and Proposed amendments to Low Enhanced Inspection and Maintenance Program; Plan for Implementation (PFI), published in Delaware Register of Regulations on September 1, 2022.
- Exhibit 15: Proposed amendments to Low Enhanced Inspection and Maintenance Program; Plan for Implementation (PFI), published in the Delaware Register of Regulations on September 1, 2022.
- Exhibit 16: Department presentation for the May 23, 2018 Public Workshop
- Exhibit 17: Department sign-in sheet for the May 23, 2018 Public Workshop
- Exhibit 18: 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 Delaware State Implementation Plan (SIP): “Low Enhanced Inspection and Maintenance Program, Plan for Implementation (PFI)” (Docket #2022-R-A-0010)

Hearing Exhibit List (Cont.):

- Exhibit 19: 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 20: Affidavit for the May 3, 2022 Cape Gazette that advertised the 10:00 am and 6:00 pm May 25, 2022 Public Workshops.
- Exhibit 21: 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 22: Notice for Public Workshops on the State of Delaware Public Meeting Calendar, September 19, 2022.
- Exhibit 23: Department News Release published on May 13, 2022 announcing “DNREC To Update Vehicle Emission Testing Requirements”

Division of Air Quality

Proposed Amendments to
Delaware State Implementation Plan (SIP): “Low
Enhanced Inspection and Maintenance Program, Plan for
Implementation (PFI)”
(Docket #2022-R-A-0010)

Hearing Exhibit List (Cont.):

- Exhibit 24: Department presentation given at the 10:00 am and 6:00 pm Virtual Public Workshops held on May 25, 2022.
- Exhibit 25: Department sign-in sheet from the 10:00 am Virtual Public Workshop held on May 25, 2022.
- Exhibit 26: Department sign-in sheet from the 6:00 pm Virtual Public Workshop held on May 25, 2022.
- Exhibit 27: Department survey and response summary from the 10:00 am and 6:00 pm Virtual Public Workshops held on May 25, 2022.

Division of Air Quality

Proposed Amendments to
Delaware State Implementation Plan (SIP): “Low
Enhanced Inspection and Maintenance Program, Plan for
Implementation (PFI)”
(Docket #2022-R-A-0010)

Hearing Exhibit List (Cont.):

- Exhibit 28: Affidavit from the Delaware State News dated August 28, 2022 that advertises today’s hearing.
- Exhibit 29: Legal Notice from the Delaware State News dated August 28, 2022 that advertises today’s hearing.
- Exhibit 30: Affidavit from the News Journal dated August 28, 2022 that advertised today’s hearing.
- Exhibit 31: Legal Notice from the News Journal dated August 28, 2022 that advertised today’s hearing.
- Exhibit 32: Notice for today’s hearing on the State of Delaware Public Meeting Calendar, dated August 28, 2022.

Division of Air Quality

Proposed Amendments to
Delaware State Implementation Plan (SIP): “Low
Enhanced Inspection and Maintenance Program, Plan for
Implementation (PFI)”
(Docket #2022-R-A-0010)

Hearing Exhibit List (Cont.):

- Exhibit 33: Legal notice for today’s hearing, as posted on the website for DNREC Public Hearings, dated August 28, 2022.
- Exhibit 34: Regulatory Flexibility Analysis and Impact Statement Form, published in Delaware Register of Regulations, September 1, 2022.
- Exhibit 35: 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>