



# DNREC Virtual Public Hearing

**Proposed Revisions to:**

**Delaware's Moderate Non-Attainment Plan for New Castle County for the  
2015 8-hour Ozone National Ambient Air Quality Standard**

**(Docket # 2023-R-A-0016)**

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: 1-646-931-3860

Meeting ID: 860 4729 4107

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 Revisions to Delaware's Moderate  
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## Delaware's State Implementation Plan

- Identifies how Delaware will attain and maintain air quality
- Delaware's State Implementation Plan (SIP) - Title 40 of the Code of Federal Regulations at Part 52, Subpart I

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- The Environmental Protection Agency (EPA) promulgated a revised National Ambient Air Quality Standard (NAAQS) for ground-level ozone in 2015 of 70 parts per billion (ppb).
- New Castle County was designated as **non-attainment** for this new standard.
- Kent and Sussex Counties were designated as **attainment** for this new standard.

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- Ground level ozone, one of the principal components of “smog,” is a serious air pollutant that harms human health and the environment.
- High levels of ozone can damage the respiratory system and cause breathing problems, throat irritation, coughing, chest pains, and greater susceptibility to respiratory infection.

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- On June 4, 2018, the EPA designated 51 areas of the country as “non-attainment” under the 2015 8-hour Ozone NAAQS.
- Among those non-attainment areas is the Philadelphia-Wilmington-Atlantic City (PA-NJ-MD-DE) Non-Attainment Area (Philadelphia NAA), including New Castle County in Delaware.

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- The Philadelphia NAA was designated as “marginal.”
- The attainment deadline for “marginal” NAAs was August 3, 2021.
- Failing to attain by the applicable attainment date requires that NAAs be reclassified to “moderate” non-attainment for the 2015 Ozone NAAQS.

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- On October 7, 2022, the EPA redesignated the Philadelphia NAA as “moderate” non-attainment for the 2015 Ozone NAAQS, based upon the failure of the NAA to record data below the 70 ppb standard.
- Areas reclassified to moderate face more stringent CAA requirements designed to achieve attainment of the NAAQS by no later than August 3, 2024.
- Accordingly, the state air agencies in the Philadelphia NAA were required to:
  - Submit SIP revisions called Non-Attainment Plans
  - Implement requirements to satisfy the statutory and regulatory requirements for “moderate” areas for the 2015 Ozone NAAQS

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- This proposed revision to Delaware's State Implementation Plan (SIP) includes Delaware's Non-Attainment Plan for the 2015 8-hour Ozone NAAQS.



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- Having been designated as “moderate,” Delaware must include the following elements in the SIP:
  - **Attainment Modeling** – demonstrates that the New Castle County portion of the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE moderate NAA will attain the 2015 8-hour Ozone NAAQS in 2023.
  - **Reasonable Further Progress (RFP)** – ensures that the air quality in New Castle County makes steady and incremental progress toward attaining the 2015 8-hour Ozone NAAQS.
  - **Control Measures and Emission Reductions** – detail existing controls needed to attain the 2015 8-hour Ozone NAAQS.

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- Having been designated as “moderate,” Delaware must include the following elements in the SIP cont’d:
  - **Mobile Vehicle Emission Budgets** – Delaware’s 2023 mobile source budgets (portions of total allowable emissions that are allocated to Onroad mobile sources) for transportation conformity determination.
  - **Contingency Measures** – specific control measures to be implemented if the area fails to make RFP, fails to meet any applicable milestone, or fails to attain the NAAQS by the applicable attainment date.

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- Having been designated as “moderate,” Delaware must include the following elements in the SIP cont'd:
  - **Base Year Inventory** – establishes a baseline emissions inventory (2017).
  - **Reasonably Available Control Technology** – the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available.
  - **Reasonably Available Control Measures** – measures necessary to achieve attainment as soon as possible.

# Division of Air Quality

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- Having been designated as “moderate,” Delaware must include the following elements in the SIP cont’d:
  - **Gasoline Vapor Recovery** – systems for gasoline vapor recovery of emissions from the fueling of motor vehicles.
  - **Non-Attainment New Source Review (NNSR) Certification** – certifies the adequacy of Delaware’s NNSR program.

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- Having been designated as “moderate,” Delaware must include the following elements in the SIP cont'd:
  - **Motor Vehicle Inspection and Maintenance Program** – identifies problems with vehicle emission control systems and assures their repairs.
  - **General Emission Offset Requirement** – offsets the annual emissions increase from new sources or source modifications to provide a new air quality benefit. The ratio shall be at least 1.15 to 1 for Moderate NAAs.

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- In today's hearing, the Department is proposing additional non-substantive amendments to the Non-Attainment Plan, in response to EPA's pre-hearing review:
  - Typos and grammatical errors
  - Removal of most references and background regarding Sussex and Kent Counties, as they are not part of the Philadelphia NAA
  - Miscellaneous clarifications

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### Hearing Exhibit List:

- **Exhibit 1:** Environmental Protection Agency's Final Rule. 2015 Ozone NAAQS, Reclassification of Areas Classified as Marginal.
- **Exhibit 2:** Register Notice for the proposed revision to Delaware's State Implementation Plan "Proposed Moderate Non-Attainment Plan For New Castle County For The 2015 8-Hour Ozone National Ambient Air Quality Standard," published in Delaware Register of Regulations on November 1, 2023.
- **Exhibit 3:** Affidavit and legal notice in the October 22, 2023 Delaware State News.
- **Exhibit 4:** Affidavit and legal notice in the October 22, 2023 News Journal.
- **Exhibit 5:** Hearing notice on the State of Delaware Public Meeting Calendar, October 17, 2023.

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### Hearing Exhibit List cont'd:

- **Exhibit 6:** Legal notice as posted on the website for DNREC Public Notices, dated October 22, 2023.
- **Exhibit 7:** “Proposed Moderate Non-Attainment Plan For New Castle County For The 2015 8-Hour Ozone National Ambient Air Quality Standard” (with Appendices), as published in the November 1, 2023 Delaware Register.
- **Exhibit 8:** Revised “Proposed Moderate Non-Attainment Plan For New Castle County For The 2015 8-Hour Ozone National Ambient Air Quality Standard,” with edits, proposed by the Department in today’s public hearing
- **Exhibit 9:** Final version of revised “Proposed Moderate Non-Attainment Plan For New Castle County For The 2015 8-Hour Ozone National Ambient Air Quality Standard,” proposed by the Department in today’s public hearing
- **Exhibit 10:** 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 December 13, 2023.

Comments may be submitted in writing

Via online form at <https://de.gov/dnrecomments>, via email to  
[DNRECHearingComments@delaware.gov](mailto:DNRECHearingComments@delaware.gov), or USPS mail:

Theresa Smith, 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>