



DNREC Virtual Public Hearing

Proposed Revisions to:

7 DE Admin. Code 1114 “Visible Emissions”
(Docket # 2023-R-A-0027)

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: 837 6527 6725

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/dnrehearings>)

Division of Air Quality

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- **7 DE Admin. Code 1114, Visible Emissions**
- Regulation 1114 controls the emissions of visible air contaminants
- **7 DE Admin. Code 1114** is part of Delaware’s State Implementation Plan (SIP)
- States are required to submit the proposed amendments to the Environmental Protection Agency (EPA)

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- June 30, 2011 Sierra Club petition to the EPA
- Startup – the setting in operation of a process or piece of equipment
- Shutdown – the stopping of a process or piece of equipment
- Malfunction – the sudden and unavoidable breakdown of process or control equipment

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- June 12, 2015, EPA State Implementation Plan Call (SIP Call)
 - State Implementation Plans should not include exemptions for excess emissions during Startup, Shutdown and Malfunction events (SSM)
 - States required to submit SIPs correcting the deficiencies by November 22, 2016
 - **7 DE Admin. Code 1114** is included in the SIP Call

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- Delaware proposed the removal of 7 DE Admin. Code 1114 from its State Implementation Plan on November 22, 2016.
- Delaware maintained Regulation 1114 as a “state-only” regulation.

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- October 23, 2023, the EPA issued a final rule disapproving Delaware’s November 22, 2016, State Implementation Plan Call submittal.
- Today’s action is in response to the EPA’s disapproval.

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Proposed Language:

1.0 General Provisions

~~1.3 — The provisions of this regulation shall not apply to the start-up and shutdown of equipment which operates continuously or in an extended steady state when emissions from such equipment during start-up and shutdown are governed by an operation permit issued pursuant to the provisions of 2.0 of 7 DE Admin. Code 1102.~~

2.0 Requirements

2.1 ~~No~~ Except as outlined in 2.2, no person shall cause or allow the emission of visible air contaminants or smoke from a stationary or mobile source, the shade or appearance of which is greater than 20% opacity for an aggregate of more than three minutes in any one hour or more than 15 minutes in any 24 hour period. For guideline purposes only, Shade Number 1 of the Ringlemann Smoke Chart coincides with the regulatory limit of 20% opacity, when observing black smoke.

2.2 During the start-up and shutdown of equipment, no person shall cause or allow the emission of visible air contaminants or smoke from a stationary or mobile source, the shade or appearance of which is greater than 40% opacity for more than 6 consecutive minutes in any 1 hour period.

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Hearing Exhibit List:

- Exhibit 1: Regulation 1114 Technical Support Document
- Exhibit 2: Startup Shutdown and Malfunction (SSM) SIP Call – EPA Final Rule
- Exhibit 3: SSM SIP Call Submittal Disapproval – EPA Final Rule
- Exhibit 4: Start Action Notice approved by the Department Secretary on January 11, 2024
- Exhibit 5: Register Notice and Proposed Amendments to 7 DE Admin. Code 1114, published in Delaware Register of Regulations on August 1, 2024

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Hearing Exhibit List (Cont.):

- Exhibit 6: Affidavit and Legal Notice in the July 25, 2024 News Journal
- Exhibit 7: Affidavit and Legal Notice in the July 25, 2024 Delaware State News
- Exhibit 8: State Public Meeting Calendar hearing notice, dated July 23, 2024
- Exhibit 9: Public Hearing Web Page on the DNREC Website
- Exhibit 10: Regulatory Flexibility Analysis and Impact Statement Form, published in Delaware Register of Regulation, August 1, 2024
- Exhibit 11: DNREC Presentation



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Thank you for joining us. We will accept comments on this matter through September 11, 2024.

Comments may be submitted in writing

Via online form at <https://de.gov/dnrecomments>, via email to

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>