DNREC - DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL - DIVISION OF AIR QUALITY

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PUBLIC HEARING: PM2.5 AND SO2 INFRASTRUCTURE STATE IMPLEMENTATION PLAN (SIP)

Case No. 2026-R-A-0007

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HEARING

DATE: Wednesday, October 28, 2026

TIME: 6:00 p.m.

BEFORE: Theresa Smith, Esquire, Hearing Officer

LOCATION: Remote Proceeding
89 Kings Highway
Dover, DE 19901

REPORTED BY: Carlo Florio

JOB NO.: 8477388

A P P E A R A N C E S

ALSO PRESENT:

Jasmine Steward, Delaware Department of Natural Resources and Environmental Control

Renae Held, Delaware Department of Natural Resources and Environmental Control (by videoconference)

E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Department:		
Exhibit 1	Environmental Protection Agency’s Final Rule	14/
Exhibit 2	Environmental Protection Agency’s Final Rule and Correction	14/
Exhibit 3	Register Notice for the Proposed Revision to Delaware’s State Implementation Plan	14/
Exhibit 4	Affidavit and Legal Notice in the Sept. 23, 2026 Delaware State News	14/
Exhibit 5	Affidavit and Legal Notice in the Sept. 23, 2026 News Journal	14/
Exhibit 6	Hearing Notice on the State of Delaware Public Meeting Calendar, Sept. 23, 2026	14/
Exhibit 7	Legal Notice as Posted on the Website for DNREC Public Notices, Dated Sept. 23, 2026	14/

E X H I B I T S (Cont'd)

NO.	DESCRIPTION	ID/EVD
Exhibit 8	Implementation, Maintenance, and Enforcement of the 2024 Annual Primary Fine Particulate Matter (PM2.5) and Secondary Sulfur Dioxide (SO2) National Ambient Air Quality Standard, as published in the Oct. 1, 2026 Delaware Register	14/
Exhibit 9	DNREC Presentation	14/

P R O C E E D I N G S

THE HEARING OFFICER: Good evening. The time is now 6 p.m., on Wednesday, October 28, 2026. My name is Theresa Smith, and Secretary Patterson has appointed me to serve as the hearing officer for tonight's formal proceeding. First and foremost, I would like to thank you all for taking the time to join us this evening. The virtual platform allows the state of Delaware's Department of Natural Resources and Environmental Control to conduct its virtual public hearing on proposed revisions to Docket Number 2026-R-A-0007, that the Delaware State Implementation Plan for the revisions for the 2024 fine particulate matter and sulfur dioxide infrastructure. The purpose of the hearing is to build a record in regard to the hearing matter by providing a formal legal platform for the public to learn about the proposed revisions and to enable the public to offer live comment. This hearing is being conducted virtually. No one is together in the same room.

Everyone is participating independently at their own respective locations. While we are not physically gathered tonight, Zoom does generate a list

of those who are virtually present for this proceeding so the Department will have a record of those who have electronically joined this event. There is a court reporter virtually present who will prepare a verbatim transcript of this hearing pursuant to the statutory requirement for DNREC to have the same prepared, and as always, that transcript will be posted on the hearing web page dedicated to this matter as soon as it is received.

In addition, I would encourage those who are attending the hearing to also visit the hearing's web page dedicated to this matter for additional details concerning the proposed revisions with the State Implementation Plan. The hearing record presented tonight along with other related documents are posted on the Department's hearing web page dedicated to this matter. The hearing web page can be found under the administrative law section of DNREC's website that will be listed toward the end of tonight's hearing.

At the conclusion of my introductory remarks, I'll be turning the hearing over to the Department staff to provide their presentation for the record being generated in this matter. Whereas the

Department would then open the verbal comment portion of the hearing following the Department's presentation, the Department did not receive registration for verbal comment at tonight's hearing. It is important to note that the Department offered the opportunity to register to provide verbal comment as noticed in the legal ads and online. Those who would have wished to provide a verbal comment needed to register by 12 p.m. today to which there were no registrants by that time.

Before we begin the presentation, please be advised of the following protocols that remain in place for all DNREC public hearings. All comment received must be limited solely to the subject matter of tonight's hearing. All comments pertinent to the subject matter of the virtual hearing will be incorporated into the record being generated in this matter in light of the Administrative Procedures Act, and to ensure that everyone wishes to offer comment for the secretary's consideration is accommodated, the Department is required to, at a minimum, provide a comment period of 15 days after the hearing.

There is one authentic record of this formal proceeding tonight, and it is the official

court reporter's verbatim transcript. The statutory purpose of tonight's hearing is to build a record with regard to the Department's proposed actions. A record consisting of the transcript of the hearing tonight, all written comments, all exhibits, and eventually the hearing officer's report will be reviewed by secretary, and the secretary will ultimately issue an order following that review process containing his decision on this matter and the reasons therefore.

Per DNREC standard hearing protocols, there will be no Q&A or chat session permitted during the hearing. It is important to note that no decision has already been made by the Department, nor will any decision be made tonight regarding the proposed SIP matter. As previously stated, DNREC wishes is to ensure everyone is enabled to offer their comments for inclusion into the record being generated in this matter. As noticed in the Legal Ads and online, the Department stated that the public comment period will be open through November 12, 2026. Comments may be submitted through the comment form link on the hearing web page via email to dnrechearingcomments@delaware.gov or via the U.S. Postal Services at the physical address for DNREC

indicated on the hearing web page and/or the public notices previously issued in this matter.

Written comments to DNREC may not be submitted using social media platforms such as Twitter, Facebook, YouTube, links to videos or text messaging. Please remember that all comment received either through USPS or via the electronic mechanisms noted just now as long as it is received by the Department on or before November 12th will bear the exact same weight and will be considered equally by the secretary prior to making a final decision in this matter. While all comments are appreciated, each comment must be limited solely to the subject matter of tonight's hearing. Multiple comments saying the same thing do not outweigh one singular comment. Simply put, comments are not votes. A single well-supported comment may carry more weight than a thousand form letters.

Also, I want to note that only comments submitted to -- also submitted directly to DNREC and entered by myself into the formal hearing record in this matter will be posted on the hearing web page and be considered by the Department as a part of the decision process. The Department has not partnered

with any outside organization or websites to assist with the public submissions of comments in this matter, so again, only submit comments to DNREC directly.

Lastly, the ultimate decision regarding this matter is made by DNREC's Secretary Patterson. This formal proceeding tonight acts as a mechanism to enable the Department to thoroughly vet the hearing matter to the public and to let the public know the various ways which comment may be submitted for Secretary Patterson's consideration if so desired. I will now hand it over to Jasmine Steward with the Division of Air Quality to provide the Department's presentation.

Ms. Steward?

MS. STEWARD: Good evening. My name is Jasmine Steward, and I'm an environmental scientist with the Airshed Planning and Inventory Program for the Division of Air Quality in the Delaware Department of Natural Resources and Environmental Control. The purpose of this hearing is to receive public comments on Delaware's infrastructure State Implementation Plan that addresses the 2024 annual primary fine particulate matter and secondary sulfur dioxide,

National Ambient Air Quality Standards.

Delaware's State Implementation Plan identifies how Delaware will attain and maintain air quality as defined in Title 40 of the Code of Federal Regulations as Part 52, Subpart I. Particulate matter is defined as a mixture of solid particles and liquid droplets found in the air. This State Implementation Plan focuses on fine particulate matter less than 2.5 microns, also referred to as particulate matter at 2.5.

Reducing fine particles is critical to human health as they can penetrate deep into the lungs as well as degrade environmental health by reducing visibility. Sulfur dioxide is a chemical compound produced mainly by burning fossil fuel and from industrial processes. Short term exposure to sulfur dioxide can harm the human respiratory system. At high concentrations in the environment, it can harm trees and plants by damaging foliage and decreasing growth.

The Environmental Protection Agency establishes National Ambient Air Quality Standards under the Clean Air Act to regulate pollutants setting both Primary and Secondary Standards. Primary

Standards protect public health including sensitive populations with an adequate margin of safety. Secondary Standards protect public welfare, including shielding against environmental damage, reduced visibility, and property. The Annual Standard measures the average concentration over a full year protecting against long-term health risks like chronic respiratory disease or cancer. The 24-hour standard measures the average concentration over a 24-hour period protecting against acute health impacts such as asthma attacks, resulting from short-term exposure. This Infrastructure Plan focuses on the revised primary fine particulate matter and secondary sulfur dioxide National Ambient Air Quality Standards.

On February 7, 2024, the Environmental Protection Agency promulgated a revised National Ambient Air Quality Standard for annual primary fine particulate matter from 12 micrograms per cubic meter to nine micrograms per cubic meter. On December 11, 2024, the EPA promulgated a revised Secondary National Ambient Air Quality Standard for sulfur dioxide. The EPA revised the standard from 0.5 parts per million as a three hour average, not to be exceeded more than once in a year to an Annual Standard with a level of

10 parts per billion averaged over three years. After the promulgation of a revised or new National Ambient Air Quality Standard, the Clean Air Act Section 110(a)(1) and (2) requires states to submit infrastructure State Implementation Plans within three years.

This Infrastructure Plan describes how Delaware has the legal authority, resources, and programs necessary to implement, maintain, and enforce the new 2024 National Ambient Air Quality Standards, which includes the annual Primary Standard for fine particulate matter and the Secondary Standard for sulfur dioxide. This State Implementation Plan describes how Delaware meets the infrastructure requirements focusing on emission limits and control measures, ambient air quality monitoring, enforcement, and permitting programs, adequate authority to carry out State Implementation Plans, and public notification requirements. The Department would like to enter in the list of exhibits as it appears on PowerPoint slide eight. These exhibits are also located on the public hearing web page. This completes the Department's presentation. Thank you.

THE HEARING OFFICER: Thank you,

Ms. Steward. The proposed exhibits that were just up on the last screen, have there been any changes to those as they were proposed?

MS. STEWARD: No, there have not.

THE HEARING OFFICER: Thank you. I hereby mark those exhibits in as Department's Exhibits 1 through 9. As previously mentioned, the Department did not receive registration for public comment by 12 p.m. today. Therefore, there will not be a verbal comment portion of this hearing. Again, if you wish to submit a public comment in writing, please follow the instructions that were given during my introductory remarks, and they are also available on this screen.

Thank you all for joining the virtual hearing. It is now concluded at 6:12 p.m.

(Department Exhibit 1 through Exhibit 9 were marked for identification.)

(Whereupon, at 6: 12 p.m., the proceeding was concluded.)

CERTIFICATE

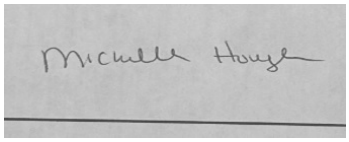
I, CARLO FLORIO, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



CARLO FLORIO
Notary Public in and for the
State of Delaware

CERTIFICATE OF TRANSCRIBER

I, MICHELLE HOUGH, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



MICHELLE HOUGH

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