



START ACTION NOTICE 2021-04

# DOCKET # 2021-R-A-0009

1. TYPE OF ACTION: Amendments to 7 **DE Admin. Code** 1130 "Title V State Operating Permit Program".
2. PURPOSE OF ACTION: The purpose of this action is to amend 7 **DE Admin. Code** 1130 in the following aspects.
  - 1) Amendment of 7 **DE Admin. Code** 1130, Section 7.0 "Permit Issuance, Renewal, Reopenings, and Revisions", subsection 7.10.2 regarding public notice publication requirements. The Environmental Protection Agency (EPA) issued a final rule in 2016 which updated the list of contents to be identified in the public notice for Title V permits. The proposed amendments are to revise the public notice requirements in 1130, to ensure consistency with the specific wording of EPA's final rule.
  - 2) Amendment of 7 **DE Admin. Code** 1130, Section 6.0 "Permit Contents", to update affirmative defense requirements. 7 **DE Admin. Code** 1130 is based on 40 CFR Part 70, which outlines requirements for state operating permit programs. Subsection 6.7 of 1130 includes guidance on claiming affirmative defenses for emission exceedances for emergencies and malfunctions. The Division is proposing to remove the term "malfunction" from 7 **DE Admin. Code** 1130, to maintain consistency with the current federal requirements.
  - 3) Amendment of 7 **DE Admin. Code** 1130, Section 2.0 "Definitions", Table 2-1 to update the list of greenhouse gases (GHG) and their global warming potential (GWP) values. EPA issued a final rule in 2013 that revised the GWP values of 23 of the 32 compounds listed in Table 2-1. EPA issued an additional final rule in 2014 that added 30 new compounds to the list of GHG. Accordingly, this action will revise 7 **DE Admin. Code** 1130 Table 2-1 to update the GWP values and to include the new GHG compounds as provided in the above two EPA final rules.
3. STATUTORY BASIS: 7 Del. C. Chapter 60 Environmental Control. §§ 6001(c) & 6010.
4. IS THIS PROPOSED REGULATORY ACTION REQUIRED AS A RESULT OF FEDERAL STATUTE OR REGULATION? IF SO, PROVIDE LINK TO FEDERAL MANDATE. The links are:
  - (1) <https://www.govinfo.gov/content/pkg/CFR-2019-title40-vol17/pdf/CFR-2019-title40-vol17.pdf>, Title 40 – Protection of the Environment, Part 70.7(h)(2) and Part 70.6(g).
  - (2) <https://www.govinfo.gov/content/pkg/CFR-2020-title40-vol23/pdf/CFR-2020-title40-vol23.pdf>, Title 40 – Protection of the Environment, Part 98 Table A-1.
5. DATE OF MOST RECENT REVIEW/AMENDMENT: December 11, 2010.
6. LIKELY AFFECTED PUBLIC: These requirements will affect industrial facilities that prepare and apply for operating permits, including modifications of their permits, for Title V sources.
7. PROPOSED SCHEDULE OF ACTIVITIES: Public Hearing – Summer 2021  
Effective Date – Fall 2021
8. REVIEW COMMITTEE: No review committee is necessary. The Department believes that holding of a public hearing will provide adequate opportunity for public education, review, and comment.

9. RESPONSIBLE STAFF MEMBER: Frank Gao, Ph.D., P.E., 715 Grantham Lane, New Castle, DE 19720. Phone: 302-323-4542; e-mail: [Frank.Gao@delaware.gov](mailto:Frank.Gao@delaware.gov).

10. APPROVALS:

Frank F Gao 04/22/2021  
Frank Gao Date  
Responsible Staff Member

David Fees 5/3/2021  
David F. Fees Date  
Director, Division of Air Quality

Shawn M. Garvin 7/5/21  
Shawn M. Garvin Date  
Secretary, DNREC

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