

## START ACTION NOTICE (SAN)

SAN #	2023-12
DOCKET#	2023-R-A-0024

1. TYPE OF ACTION AND THE REGULATION NUMBER AND NAME: Revise 7 DE Admin. Code 1104 "Particulate Emissions from Fuel Burning Equipment".

## 2. PURPOSE OF ACTION:

On June 12, 2015 the Environmental Protection Agency (EPA) determined the State Implementation Plans (SIP) of 36 states as inadequate because they allegedly allowed unregulated excess emissions, (80 FR 33840). This EPA action is known as the "Startup, Shutdown, and Malfunction (SSM) SIP Call". 7 Admin. Code 1104 "Particulate Emissions from Fuel Burning Equipment" was cited in the SIP Call because the EPA believed the regulation did not appropriately restrict emissions during start-up or shutdown events. Subsequently, on November 22, 2016, Delaware submitted a request to EPA that the provisions be removed from Delaware SIP. On October 23, 2023 EPA issues a final rule disapproving Delaware's November 26, 2016 SSM SIP Call submittal for Regulation 1104 (88 FR 72688). Delaware is proposing to amend Regulation 1104 in response to EPA's disapproval, to comply with 2015 SSM SIP Call.

- 3. STATUTORY BASIS: 7 Del. C. Chapter 60, Environmental Control. §§ 6001(c) & 6010.
- IS THIS PROPOSED REGULATORY ACTION REQUIRED AS A RESULT OF FEDERAL STATUTE OR 4. REGULATION? IF SO, PROVIDE LINK TO FEDERAL MANDATE. Yes: Air Plan Disapproval; Delaware; Removal of Excess Emissions Provisions. EPA Final Rule. 88 FR 72688. October 23, 2023. https://www.govinfo.gov/content/pkg/FR-2023-10-23/pdf/2023-23242.pdf?utm campaign=subscription+mailing+list&utm medium=email&utm source=federalregister.gov
- 5. DATE OF MOST RECENT AMENDMENT/REVIEW (please indicate if review was pursuant to 29 Del.C. §10407): January 11, 2017.
- 6. LIKELY AFFECTED PUBLIC: Any owner or operator of equipment covered by the cited Delaware regulations.
- 7. PROPOSED SCHEDULE OF ACTIVITIES: Public Hearing - Spring 2024, Effective Date - Fall 2024
- 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.

- RESPONSIBLE STAFF MEMBER (name, physical address, phone number and e-mail address): 9. Kelsey Pangman; Division of Air Quality-DNREC; 715 Grantham Ln, New Castle, DE 19720; Phone: (302) 323-4542; Email: kelsey.pangman@state.de.us
- APPROVALS: 10.

Selsey Pangman 11/21/2023 Kelsey Pangman Date

11/22/2023

Responsible Staff Member

Angela D. Marconi, P.E.

Director, Division of Air Quality

Date

Shawn M. Garvin

1/11/24 Date

Secretary