



START ACTION NOTICE (SAN)

SAN # 2023-13

DOCKET # 2023-R-A-0025

- 1. TYPE OF ACTION AND THE REGULATION NUMBER AND NAME:
Revise 7 DE Admin. Code 1105 "Particulate Emissions from Industrial Process Operations".
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 1105 "Particulate Emissions from Industrial Process Operations" 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 1105 (88 FR 72688). Delaware is proposing to amend Regulation 1105 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.
4. IS THIS PROPOSED REGULATORY ACTION REQUIRED AS A RESULT OF FEDERAL STATUTE OR 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.
9. RESPONSIBLE STAFF MEMBER (name, physical address, phone number and e-mail address):
Kelsey Pangman; Division of Air Quality-DNREC; 715 Grantham Ln, New Castle, DE 19720; Phone: (302) 323-4542; Email: kelsey.pangman@state.de.us
10. APPROVALS:

Kelsey Pangman 11/21/2023
Kelsey Pangman Date
Responsible Staff Member

AD Marconi 11/22/2023
Angela D. Marconi, P.E. Date
Director, Division of Air Quality

Shawn M. Garvin 1/11/24
Shawn M. Garvin Date
Secretary