




## START ACTION NOTICE (SAN)

SAN # 2024-05

DOCKET # 2024-R-A-0008

1. TYPE OF ACTION AND THE REGULATION NUMBER AND NAME:  
Revise **7 DE Admin. Code** 1112 “Control of Nitrogen Oxides Emissions.”
2. PURPOSE OF ACTION:  
The purpose of this action is to amend **7 DE Admin. Code** 1112, to develop federally required contingency measures in relation to the 2015 8-hour ozone National Ambient Air Quality Standard (NAAQS), as referenced in Section 4 of this Start Action Notice, for Delaware portion of the Philadelphia-Wilmington-Atlantic City Non-Attainment Area (Philadelphia NAA). Contingency measures are control requirements that take effect or are “triggered” in the event that an NAA fails to attain a NAAQS by an applicable attainment date or fails to make reasonable further progress toward attainment. These contingency measure requirements are specified in Clean Air Act section 172(c)(9). The purpose of this action is to amend 7 DE Admin. Code 1112 to develop and incorporate federally required contingency measures.  
  
Delaware is proposing to establish new, lower, contingency measure related Nitrogen Oxide (NOx) emission standards in Regulation 1112. These contingency measure emission standards would only go into effect, or be “triggered,” in the event that the Philadelphia NAA fails to meet applicable 2015 Ozone NAAQS attainment date deadlines. If the Philadelphia NAA meets applicable attainment date deadlines, the current emission standards in Regulation 1112 would remain effective in the regulations indefinitely. A review committee will be established to develop the amendments to the regulation.
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: Environmental Protection Agency’s Final Rule. 2015 Ozone NAAQS, Reclassification of Areas Classified as Marginal. EPA Final Rule. 87 FR 60897. October 7, 2022.
5. DATE OF MOST RECENT AMENDMENT/REVIEW (please indicate if review was pursuant to 29 Del.C. §10407): September 11, 2008.
6. LIKELY AFFECTED PUBLIC:  
Large industrial sources that are major sources of nitrogen oxides. This includes, but is not limited to refineries, industrial boilers, and electric generating units.
7. PROPOSED SCHEDULE OF ACTIVITIES: Review Committee – Summer 2024, Public Workshop – Summer 2024, Public Hearing - Fall 2024, Effective Date – Spring 2025
8. REVIEW COMMITTEE:  
A review committee will be established to seek stakeholder feedback on the amendments to the regulation.
9. RESPONSIBLE STAFF MEMBER (name, physical address, phone number and e-mail address):  
Carolyn Cook; Division of Air Quality-DNREC; 100 W Water St. Suite 6A, Dover, DE 19904; Phone: (302) 739-9402; Email: [carolyn.cook@delaware.gov](mailto:carolyn.cook@delaware.gov)

10. APPROVALS:



4/09/24

Carolyn Cook  
Responsible Staff Member

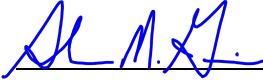
Date



4/23/2024

Angela D. Marconi, P.E.  
Director, Division of Air Quality

Date



6/12/24

Shawn M. Garvin  
Secretary

Date

September 2021