

# DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

## DIVISION OF AIR AND WASTE MANAGEMENT

Statutory Authority: 7 Delaware Code, Chapter 60, (7 Del.C. Ch. 60)

### Secretary's Order No. 2008-A-0050

Date of Issuance: September 25, 2008

Effective Date: September 25, 2008

### Delaware Visibility State Implementation Plan

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC") under 29 Del.C. §§8001 *et seq.* and 7 Del.C. §6010(c), the following findings, reasons and conclusions are entered as an Order of the Secretary in the above-referenced matter.

This Order considers the proposed 'Delaware Visibility State Implementation Plan ("Proposed SIP"), which the Department's experts in the Division of Air and Waste Management, Air Quality Management Section prepared to comply with the United States Environmental Protection Agency's ("EPA") Regional Haze Rule. The EPA delegated to the Department the authority to administer certain responsibilities in Delaware under the federal Clean Air Act, as amended, 42 U.S.C. §§7401 *et seq.* ("CAA"), including the Regional Haze Rule that seeks to protect visibility, especially in the 156 national parks and wilderness areas denoted as Federal Class I areas. The nearest Class I area to Delaware is located in New Jersey. The Regional Haze Rule requires state, tribal and federal agencies to work together to improve visibility, and for each state to develop a series of state implementation plans ("SIPs") that set forth the plan to reduce visibility impairment to meet a 2064 deadline requiring that the visibility in all Class I areas will be returned to natural conditions.

The Department's technical experts within the Division of Air and Waste Management, Air Quality Management Section, after the required consultation with the Mid-Atlantic/Northeast Visibility Union ("MANE-VU") Regional Planning Organization ("RPO") members, Federal Land Managers ("FLMs") responsible for the Class I areas, and the EPA, prepared the extensively researched one hundred and ten page Proposed SIP. The Proposed SIP considers and demonstrates Delaware's efforts to satisfy the following Regional Haze Rule requirements: 1) monitoring strategies for evaluating visibility impacts, 2) baselines and trends, 3) long-term strategies, 4) how Delaware meets its fair share of the "reasonable progress goals" towards reducing visibility impairment in Class I areas, and 5) Best Available Retrofit Technology ("BART"). The Proposed SIP also demonstrates that Delaware has met its Regional Haze Rule obligations for the Regional Haze Rule's 2018 visibility impairment standard.

On August 17, 2008 and on September 1, 2008, the Department provided public notice of the Proposed SIP, and held a September 23, 2008 public hearing as required by EPA regulations in order to provide the public an opportunity to comment on the Proposed SIP. No one from the public attended the hearing and the Department received one written comment, which indicated general agreement with the Proposed SIP. Jack Sipple of the Department's Division of Air and Waste Management, Air Quality Management Section developed the record at the hearing with hearing exhibit, including voluminous supporting documents. At the hearing, Mr. Sipple recommended several minor technical and grammatical corrections to the Proposed Plan.

The Department's presiding hearing officer, Robert P. Haynes, reviewed the record and orally recommended that the Department approve the Proposed SIP, as revised at the hearing, as a final plan. I agree with the hearing officer's recommendation and hereby approve the Proposed SIP, as revised at the hearing, as the Department's final plan to be submitted to the EPA to comply with the CAA and EPA's CAA regulations.

In conclusion, the following findings and conclusions are entered:

The Department, acting through this Order of the Secretary hereby approves "Delaware Visibility State Implementation Plan" as a final plan, as attached hereto;

The Department shall have this Order published in the *Delaware Register of Regulations* and in newspapers in the same manner as the notice of the Proposed SIP.

John A. Hughes,  
Secretary

**\*Please Note: Due to the size of the document, it is not being published here. A pdf version of the document is available at:**

<http://regulations.delaware.gov/register/november2008/general/visibility.pdf> **Delaware Visibility State Implementation Plan**

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