

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**  
**DIVISION OF AIR QUALITY**

Statutory Authority: 7 Delaware Code, Section 6010(a) and (c) (7 **Del.C.** §6010(a) & (c))

**GENERAL NOTICE**

**NOTICE**

**Moderate Non-Attainment Plan For New Castle County For The 2015 8-Hour Ozone National Ambient Air Quality Standard**

1. TITLE OF THE REGULATIONS:

Moderate Non-Attainment Plan For New Castle County For The 2015 8-Hour Ozone National Ambient Air Quality Standard

Basic Inspection & Maintenance Performance Standard Certification For New Castle County

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

On June 4, 2018, the Environmental Protection Agency (EPA) designated 51 areas of the country as "non-attainment" under the 2015 8-hour ozone National Ambient Air Quality Standard (NAAQS) of 70 parts per billion (ppb). Ground level ozone, one of the principal components of "smog," is a serious air pollutant that harms human health and the environment. Among those non-attainment areas is the Philadelphia-Wilmington-Atlantic City (PA-NJ-MD-DE) Moderate Non-Attainment Area (NAA). This NAA includes New Castle County in Delaware. On October 7, 2022, EPA published a final rule to reclassify certain ozone nonattainment areas from Marginal to Moderate for the 2015 ozone NAAQS and instructed those areas to develop the following State Implementation Plans (SIP):

Docket #2023-R-A-0016: "Moderate Non-Attainment Plan For New Castle County For The 2015 8-Hour Ozone National Ambient Air Quality Standard". This document contains Delaware's SIP revision for meeting the Attainment Plan requirements associated with the 2015 8-hour ozone NAAQS. Hearing begins at 6:00 pm.

Docket #2023-R-A-0017: "Basic Inspection & Maintenance Performance Standard Certification For New Castle County". This document addresses how Delaware demonstrates that the vehicle Inspection and Maintenance (I/M) Program meets the performance standard, as defined within the I/M regulations (40 CFR Part 51, subpart S) and the Clean Air Act, through a Performance Standard Modeling certification. Hearing begins immediately following Docket #2023-R-A-0016 hearing.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

None.

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 **Del.C.** Ch. 60, Section 6010 (a) and (c).

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

None.

6. NOTICE OF PUBLIC COMMENT:

Two virtual public hearings (Docket #2023-R-A-0016 and Docket #2023-R-A-0017) will be held on Tuesday, November 28, 2023 beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://de.gov/dnrehearings>. If prompted for a password, please use: 666395. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the event code 860 4729 4107. Closed-captioning in over 20 languages, including English and Spanish, is available to attendees via the Zoom platform utilized for all DNREC Public Hearings.

Those wishing to offer verbal comments during DNREC public hearings must pre-register no later than noon of the date of the virtual hearing at <https://de.gov/dnrecomments> or by telephone at 302-739-9001.

The proposed SIP documents may be inspected online starting November 1, 2023 at [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml) or by contacting Carolyn Cook, by phone at 302-739-9402 or by email at [Carolyn.Cook@delaware.gov](mailto:Carolyn.Cook@delaware.gov). The MOVES input/output files may be requested by contacting Carolyn Cook at the contact information provided.

The Department will accept public comment through the close of business on December 13, 2023. Comments will be

accepted in written form via email to [DNRECHearingComments@delaware.gov](mailto:DNRECHearingComments@delaware.gov), or by using the online form at <https://de.gov/dnreccomments>, or by U.S. mail to the following address:

Theresa Smith, Hearing Officer  
DNREC - Office of the Secretary  
89 Kings Highway, Dover, DE 19901

7. PREPARED BY:

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**\*Please Note: Due to the formatting requirements of the proposed SIP documents they are being attached here as PDF documents:**

[https://regulations.delaware.gov/register/november2023/general/2015 Ozone NAAQS Proposal Certification SIP 10-12-23.pdf](https://regulations.delaware.gov/register/november2023/general/2015%20Ozone%20NAAQS%20Proposal%20Certification%20SIP%2010-12-23.pdf)

[https://regulations.delaware.gov/register/november2023/general/2015 Ozone NAAQS Proposal Appendices - Certification SIP 10-12-23.pdf](https://regulations.delaware.gov/register/november2023/general/2015%20Ozone%20NAAQS%20Proposal%20Appendices%20-%20Certification%20SIP%2010-12-23.pdf)

[https://regulations.delaware.gov/register/november2023/general/2015 Ozone NAAQS Proposal Attainment Plan SIP 10-12-23.pdf](https://regulations.delaware.gov/register/november2023/general/2015%20Ozone%20NAAQS%20Proposal%20Attainment%20Plan%20SIP%2010-12-23.pdf)

[https://regulations.delaware.gov/register/november2023/general/2015 Ozone NAAQS Proposal Appendices - Attainment Plan SIP 10-12-23.pdf](https://regulations.delaware.gov/register/november2023/general/2015%20Ozone%20NAAQS%20Proposal%20Appendices%20-%20Attainment%20Plan%20SIP%2010-12-23.pdf)

27 DE Reg. 353 (11/01/23) (Gen. Notice)