

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR QUALITY

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

7 DE Admin. Code 1104

PROPOSED

REGISTER NOTICE

SAN#: 2016-06

1104 Particulate Emissions from Fuel Burning Equipment

1. TITLE OF THE REGULATION:

Revise 7 DE Admin. Code 1104, Particulate Emissions from Fuel Burning Equipment.

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

EPA, in 80 FR 33840 (6/12/2015 - final) identified the State Implementation Plans (SIPs) of 36 states as inadequate because they allegedly allowed unregulated excess emissions. Seven Delaware regulations were cited in this SIP Call because the EPA believes the regulations do not appropriately restrict emissions during start-up or shutdown events. This action is to revise one of the cited Delaware's regulations to comply with the EPA SIP Call and avoid the imposition of federal sanctions.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

None.

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 Delaware Code, Chapter 60.

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

None.

6. NOTICE OF PUBLIC COMMENT:

There will be a hearing on this proposed amendment and the other EPA cited Delaware rules on October 25, 2016 beginning at 6pm in the Dover DAQ offices at State Street Commons, 100 West Water Street, Suite 6A, Dover, DE 19904. Interested parties may submit comments in writing to David Fees, Division of Air Quality, 100 West Water Street, Suite 6A, Dover, DE 19904 and/or statements and testimony may be presented either orally or in writing at the public hearing.

7. PREPARED BY:

David Fees david.fees@state.de.us (302) 739-9402

1104 Particulate Emissions from Fuel Burning Equipment

~~11/11/2013~~ xx/xx/2016

1.0 General Provisions

- 1.1 The emission of particulate matter from fuel burning equipment shall be controlled to a limit that shall meet the ambient air quality requirements.
- 1.2 The provisions of this Regulation shall not apply where the heat input capacity of the equipment is less than 1,000,000 BTU per hour.
- 1.3 The provisions of this regulation shall not apply to equipment or operations whose emissions are controlled by 7 DE Admin. Code 1105 or 7 DE Admin. Code 1107 or 7 DE Admin. Code 1129.
- 1.4 For purposes of this Regulation, the heat input value shall be based upon the manufacturer's guaranteed maximum input or the Department's calculated input capacity.
- 1.5 The provisions of subsection 2.1 of this Regulation shall not apply to the start-up and shutdown of equipment which operates continuously or in an extended steady state when emissions from such equipment during start-up and shutdown are governed by an operation permit issued pursuant to the provisions of Section 2.0 of 7 DE Admin. Code 1102.

17 DE Reg. 536 (11/01/13)

2.0 Emission Limits

2.1 No person shall cause or allow the emission of particulate matter in excess of 0.3 pound per million BTU heat input, maximum two-hour average, from any fuel burning equipment.

2.2 No person shall cause or allow the emission of particulate matter in excess of 0.3 pound per million BTU heat input, maximum 30-day rolling average, from any fuel burning equipment.

12 DE Reg. 347 (09/01/08)

17 DE Reg. 536 (11/01/13)

20 DE Reg. 250 (10/01/16) (Prop.)