

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))
7 **DE Admin. Code** 1104

PROPOSED

PUBLIC NOTICE

SAN # 2023-12
DOCKET # 2023-R-A-0024

1104 Particulate Emissions from Fuel Burning Equipment

1. TITLE OF THE REGULATIONS:

7 **DE Admin. Code** 1104 "Particulate Emissions from Fuel Burning Equipment".

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

The Division of Air Quality of the Department of Natural Resources and Environmental Control (DNREC) is proposing to amend 7 **DE Admin. Code** 1104, Section 1.0 "General Provisions" and Section 2.0 "Emission Limits", regarding particulate emissions limits from fuel burning equipment during the startup, shutdown and malfunction of equipment.

On June 12, 2015, the Environmental Protection Agency (EPA) identified 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 **DE Admin. Code** 1104 "Particulate Emissions from Fuel Burning Equipment" was cited in the SSM SIP Call because the EPA believed the regulation did not appropriately restrict emissions during startup or shutdown events. On October 23, 2023 EPA issued a final rule disapproving Delaware's November 26, 2016 SSM SIP Call submittal for Regulation 1104 (88 FR 72688). Delaware is proposing to amend Regulation 1104 in response to EPA's disapproval, to comply with the 2015 SSM SIP Call.

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:

A virtual public hearing (Docket # 2023-R-A-0024) will be held on Tuesday, August 27, 2024, 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/dnrechearings>. If prompted for a password, please use: 478566. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the Meeting ID 837 6527 6725. 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 virtual public hearings must pre-register no later than noon on the date of the virtual hearing at <https://de.gov/dnrecomments> or by telephone at 302-739-9001.

The proposed amendments may be inspected online starting August 1, 2024 at http://regulations.delaware.gov/services/current_issue.shtml, or in-person, by appointment only, by contacting Kelsey Pangman by phone at 302-323-4542 or by email at Kelsey.Pangman@delaware.gov.

The Department will accept public comment through the close of business on Wednesday, September 11, 2024. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

Theresa Smith, Hearing Officer
DNREC - Office of the Secretary

7. PREPARED BY:

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1104 Particulate Emissions from Fuel Burning Equipment

01/11/2017

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)

20 DE Reg. 556 (01/01/17)

01/11/2017

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. 556 (01/01/17)

28 DE Reg. 93 (08/01/24) (Prop.)