

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)

PROPOSED

1142 Specific Emission Control Requirements

~~Regulation No. 42~~ 1142 Specific Emission Control Requirements

12/12/2001

1.0 Control of NO_x Emissions from Industrial Boilers

1.1 Purpose

New Castle County and Kent County are part of the Philadelphia-Wilmington-Trenton 1-hour ozone non-attainment area. All areas of Delaware impact this non-attainment area. On December 19, 1999, the EPA identified an emission reduction "shortfall" associated with this non-attainment area. Promulgation of ~~Section 4~~ 1.0 of this regulation is one measure that the Department is taking to mitigate this shortfall.

In determining the applicability of ~~this Section 1.0 of this regulation~~, the Department attempted to minimize the impact on facilities that recently installed NO_x controls under ~~Regulation No. 42~~ 7 DE Admin. Code 1112 (NO_x RACT) and ~~Regulation No. 37/39~~ 7 DE Admin. Code 1137/1139 (NO_x Budget Trading Program). The Department did this by regulating only large sources that, as of the effective date of ~~this Section 1.0 of this regulation~~, emitted NO_x at a rate greater than the rate identified in Table ~~† 3-1~~ of ~~Regulation No. 42~~ 7 DE Admin. Code 1112, were not equipped with NO_x emission control technology, and were not subject to the requirements of ~~Regulation No. 39~~ 7 DE Admin. Code 1139. In effect, ~~this Section 1.0 of this regulation~~ regulates sources that remain high NO_x emitters after the application of RACT and post RACT requirements, and that have not committed substantial capital funds to reduce NO_x emissions.

1.2 Applicability

1.2.1 ~~This section applies~~ The provisions of 1.0 of this regulation apply to any person that owns or operates any combustion unit with a maximum heat input capacity of equal to or greater than 100 million btu per hour, except that ~~this section 1.0 of this regulation~~ shall not apply to any unit that, as of the effective date of ~~this Section 1.0 of this regulation~~:

1.2.1.1 Emits NO_x at a rate equal to or less than the rate identified in Table ~~† 3-1~~ of ~~Regulation No. 42~~ 7 DE Admin. Code 1112, of the State of Delaware "Regulations Governing the Control of Air Pollution."

1.2.1.2 Is equipped with low NO_x burner, flue gas recirculation, selective catalytic reduction, or selective non-catalytic reduction technology.

1.2.1.3 Is subject to the requirements of ~~Regulation No. 39~~ 7 DE Admin. Code 1139, of the State of Delaware "Regulations Governing the Control of Air Pollution."

1.2.2 The requirements of ~~this section 1.0 of this regulation~~ are in addition to all other state and federal requirements.

1.2.3 Affected persons shall comply with the requirements of ~~paragraph 1.3 of this Section~~ regulation as soon as practicable, but no later than May 1, 2004.

1.3 Standards.

1.3.1 The NO_x emission rate from any unit subject to ~~this Section 1.0 of this regulation~~ shall be equal to or less than the following:

- 1.3.1.1 Between May 1st through September 30th of each year, inclusive: 0.10 lb/mmBTU, 24-hour calendar day average.
- 1.3.1.2 During all times that gaseous fuel is being fired: 0.10 lb/mmBTU, 24-hour calendar day average.
- 1.3.1.3 During all times not covered by ~~Section~~ 1.3.1.1 and 1.3.1.2 of this regulation: 0.25 lb/mmBTU, 24-hour calendar day average.
- 1.3.2 As an alternative to compliance with the requirements of ~~paragraph~~ 1.3.1 of this ~~Section~~ regulation, compliance may be achieved through the procurement and retirement of NO_x allowances authorized for use under ~~Regulation No. 39~~ 7 DE Admin. Code 1139, of the State of Delaware "Regulations Governing the Control of Air Pollution," as follows:
 - 1.3.2.1 The actual 24-hour calendar day average NO_x emission rate in pounds per million btu shall be determined for each day of unit operation, using CEMs operated in accordance with ~~paragraph~~ 1.4 of this ~~section~~ regulation.
 - 1.3.2.2 The actual heat input to each unit in million btu shall be determined for each day of unit operation, using methods proposed by the person subject to ~~this Section~~ 1.0 of this regulation and acceptable to the Department.
 - 1.3.2.3 0.10 or 0.25, as applicable and consistent with ~~paragraph~~ 1.3.1 of this ~~section~~ regulation, shall be subtracted from the rate determined in ~~paragraph~~ 1.3.2.1 of this ~~section~~ regulation.
 - 1.3.2.4 To obtain the number of pounds of NO_x emitted for a particular day, the emission rate determined in ~~paragraph~~ 1.3.2.3 of this ~~section~~ regulation shall be multiplied by the heat input to the unit for that day determined in ~~paragraph~~ 1.3.2.2 of this ~~section~~ regulation. If the emission rate determined in ~~paragraph~~ 1.3.2.3 of this ~~section~~ regulation is equal to or less than zero, then the number of pounds of NO_x emitted for that day shall be zero.
 - 1.3.2.5 Not later than the 20th day of each month:
 - 1.3.2.5.1 The number of pounds of NO_x emissions calculated pursuant to ~~paragraph~~ 1.3.2.4 of this ~~section~~ regulation shall be summed for each calendar month, the result shall be divided by 2000, and shall be rounded to the nearest whole ton.
 - 1.3.2.5.2 For each ton of NO_x emissions calculated pursuant to ~~paragraph~~ 1.3.2.5.1 of this regulation, records shall be maintained demonstrating that one NO_x allowance owned by the person subject to ~~this Section~~ 1.0 of this regulation is identified and available, by serial number, for retirement.
 - 1.3.2.6 Not later than February 1 of each calendar year, the NO_x allowances identified pursuant to ~~paragraph~~ 1.3.2.5.2 of this ~~Section~~ regulation for the previous calendar year, shall be submitted to the Department for retirement. Such submission shall detail the calculations specified in 1.3.2.1 through 1.3.2.5 ~~above~~ of this regulation, and shall indicate the serial number of each allowance to be retired.
- 1.4 Monitoring Requirements. Compliance with the NO_x emission standards specified in ~~this section~~ 1.0 of this regulation shall be determined based on CEM data collected in accordance with the requirements of ~~Regulation 17, Section 3.1.2 of~~ 7 DE Admin. Code 1117 (Performance Specification 2), and in compliance with the requirements of 40 CFR, Part 60, Appendix F.
- 1.5 Recordkeeping and Reporting Requirements.
 - 1.5.1 Not later than 180 days after the effective date of ~~this Section~~ 1.0 of this regulation, any person subject to ~~this Section~~ 1.0 of this regulation shall develop, and submit to the Department for approval, a schedule for bringing the affected emission unit(s) or units into compliance with the requirements of ~~this Section~~ 1.0 of this regulation. Such schedule shall include, at a minimum, all of the following:
 - 1.5.1.1 The method by which compliance will be achieved

- 1.5.1.2 The dates by which the affected person commits to completing the following major increments of progress, as applicable:
 - 1.5.1.2.1 Completion of engineering;
 - 1.5.1.2.2 Submission of permit applications;
 - 1.5.1.2.3 Awarding of contracts for construction and/or installation;
 - 1.5.1.2.4 Initiation of construction;
 - 1.5.1.2.5 Completion of construction;
 - 1.5.1.2.6 Commencement of trial operation;
 - 1.5.1.2.7 Initial compliance testing;
 - 1.5.1.2.8 Submission of compliance testing reports;
 - 1.5.1.2.9 Commencement of normal operations (in full compliance).
- 1.5.2 Any person subject to ~~this Section 1.0 of this regulation~~ shall submit to the Department an initial compliance certification not later than May 1, 2004. The initial compliance certification shall, at a minimum, include the following information:
 - 1.5.2.1 The name and the location of the facility.
 - 1.5.2.2 The address and telephone number of the person responsible for the facility.
 - 1.5.2.3 Identification of the subject source(s) or sources.
 - 1.5.2.4 The applicable standard.
 - 1.5.2.5 The method of compliance.
 - 1.5.2.6 Certification that each subject source is in compliance with the applicable standard
 - 1.5.2.7 All records necessary for determining compliance with the standards of ~~this Section 1.0 of this regulation~~ shall be maintained at the facility for a period of five years.
- 1.5.3 Any person subject to ~~this Section 1.0 of this regulation~~ shall, for each occurrence of excess emissions, within 30 calendar days of becoming aware of such occurrence, supply the Department with the following information:
 - 1.5.3.1 The name and location of the facility.
 - 1.5.3.2 The subject source(s) or sources that caused the excess emissions.
 - 1.5.3.3 The time and date of first observation of the excess emissions.
 - 1.5.3.4 The cause and expected duration of the excess emissions.
 - 1.5.3.5 The estimated rate of emissions (expressed in the units of the applicable emission limitation) and the operating data and calculations used in determining the magnitude of the excess emissions.
 - 1.5.3.6 The proposed corrective actions and schedule to correct the conditions causing the excess emissions.
- 1.5.4 Any person subject to ~~this section 1.0 of this regulation~~ shall maintain all information necessary to demonstrate compliance with the requirements of ~~this section 1.0 of this regulation~~ for a minimum period of five years. Such information shall be immediately made available to the Department upon verbal and written request.

2.0 [Reserved]

12 DE Reg. 29 (07/01/08) (Prop.)