



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
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Secretary

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Secretary's Order No.: 2018-A-0022

RE: FINAL EXEMPT ORDER: 7 DE Admin. Code 1114: *Visible Emissions*

Date of Issuance: April 13, 2018

Effective Date of the Amendment: May 11, 2018

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC") pursuant to 29 *Del.C.* §10113(b)(4), DNREC hereby revises Section 1114 of Title 7 of the Delaware Administrative Code to correct all referencing errors concerning 7 DE Admin. Code 1123, as the Department recently repealed 7 DE Admin. Code 1123 (as set forth previously in Secretary's Order No. 2018-A-0004 issued February 1, 2018, and as previously published in the March 1, 2018 edition of the State of Delaware *Register of Regulations*).

Findings of Fact

Based on Delaware law and the record as reflected in the prior Secretary's Order referenced above, I make the following findings of fact:

1. The proposed regulation is not in conflict with Delaware law; and
2. The proposed regulation is an appropriate exercise of the Department's responsibilities and authority.

Decision and Order Concerning the Regulation

NOW THEREFORE, under the above-described statutory authority, and for the reasons set forth above, I hereby ORDER that the revisions to **7 DE Admin. Code 1114: *Visible Emissions***, be adopted and promulgated as follows, to wit:

1. Section 1.1 shall be corrected to delete the following phrase, "...except electric arc furnaces and their associated dust handling equipment as set forth in 2.2 of this regulation", so that the Section shall now read: "The purpose of this regulation is to control the emissions of visible air contaminants from all stationary sources"; and
2. Section 2.2 shall be deleted in its entirety.

The effective date of this Order is ten (10) days from the date of its publication in the Delaware *Register of Regulations*, in accordance with 29 *Del.C.* §10118(g).



Shawn M. Garvin
Secretary

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF AIR QUALITY
Air Quality Management Section

1114 Visible Emissions

11/11/2013

1.0 General Provisions

- 1.1 The purpose of this regulation is to control the emissions of visible air contaminants from all stationary sources ~~except electric arc furnaces and their associated dust-handling equipment as set forth in 2.2 of this regulation.~~
- 1.2 Measurements of air contaminant visibility shall be in accordance with accepted practices of Ringelmann values or opacity percentages.
- 1.3 The provisions 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 2.0 of 7 **DE Admin. Code** 1102.

2.0 Requirements

- 2.1 No person shall cause or allow the emission of visible air contaminants or smoke from a stationary or mobile source, the shade or appearance of which is greater than 20% opacity for an aggregate of more than three minutes in any one hour or more than 15 minutes in any 24 hour period. For guideline purposes only, Shade Number 1 of the Ringelmann Smoke Chart coincides with the regulatory limit of 20% opacity, when observing black smoke.
- ~~2.2 The requirements of 2.1 of this regulation shall not apply to electric arc furnaces, and their associated dust-handling equipment, with a capacity of more than 100 tons which are governed by 7 **DE Admin. Code** 1123.~~

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

07/17/1984

3.0 Alternate Opacity Requirements

- 3.1 Whenever the Secretary determines that a source complies with an applicable mass emission standard and demonstrates that the opacity of the complying emissions is more restrictive than the requirements of 2.1 of this regulation, the Secretary will make an appropriate adjustment to the opacity standard for the affected source.
- 3.2 Whenever an owner or operator can establish compliance with an applicable mass emission standard and fails to comply with 2.1 of this regulation, the owner or operator may petition the Secretary setting forth the results of the emission testing or evaluation and request the Secretary to make an appropriate adjustment to the opacity standard for the affected source.
- 3.3 The Secretary may grant such a petition as outlined in 3.2 of this regulation upon a demonstration by the owner or operator that the affected source and associated air pollution control equipment was operated and maintained during the mass emission test in a manner to minimize the opacity of emissions during emission testing or evaluation that the mass emissions testing was performed in accordance with procedures approved

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by the Department; and that the affected source and associated air pollution control equipment is incapable of continuously meeting applicable opacity standards as set forth in 2.1 of this regulation.

- 3.4 The Secretary may establish an opacity standard for the affected source at a level at which the source will be able to meet the adjusted opacity standard at all times during which the source is meeting the applicable mass emission rate standard. The Secretary will make the adjusted opacity standard a part of the operating permit in the form of an operating condition.
- 3.5 Any action by the Secretary pursuant to the provisions of 3.0 of this regulation shall be incorporated in the State Implementation Plan.

07/17/1984

4.0 Compliance with Opacity Standards

For purposes of this regulation, compliance with opacity standards shall be in accordance with 1.5.3 of 7 DE Admin. Code 1120.

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

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