



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

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OFFICE OF THE
SECRETARY

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MEMORANDUM TO: Office of the Governor
Members of the Senate Natural Resources and Environmental
Control Committee
Members of the House Environment and Natural Resources
Committee

FROM : John Hughes, Secretary

SUBJECT : *START ACTION NOTICE*

DATE : October 5, 2005

Enclosed for your information is APPROVED Start Action Notice:

2005-10 developing a new regulation applicable to stationary combustion turbine electric
generating units.

Division Directors
Public Affairs
Those on Start Action Approval List
Responsible Staff Member

Delaware's Good Nature depends on you!



S A N
2005-10
APPROVED BY [Signature]
DATE 10-6-2005

START ACTION NOTICE

1. Type of Action: New regulation applicable to stationary combustion turbine electric generating units.

2. Purpose of Action: DNREC is proposing to develop a regulation to reduce emissions of nitrogen oxides (NO_x) from combustion turbine electric generating units, typically known as peaking units.

The Clean Air Act Amendments of 1990 (CAAA) require Delaware to make a demonstration of reasonable progress towards attainment of the National Ambient Air Quality Standard (NAAQS) for ground-level ozone by 2007, and to attain the standard by 2010. Since NO_x is one of the two major precursors that form ozone in the lower atmosphere, Delaware must reduce NO_x emissions in order to reduce ambient ozone concentrations, and thus attain the NAAQS.

Delaware's emission inventory data demonstrates that combustion turbines in Delaware are significant NO_x emitting sources. While some combustion turbines in Delaware generate electricity to meet baseload demands, other combustion turbines generate electricity to meet peak demands. Those periods of peak demand frequently correspond with summer ozone action days. This means that emissions from these units are frequently at their highest when the health threat from ozone is at its worst. Many of Delaware's peaking units have high emission rates of nitrogen oxides and, therefore, should be evaluated for additional NO_x emission controls.

In addition to aiding the progress toward, and ultimate attainment of the ozone NAAQS, this action will aid Delaware in attaining the fine particulate matter NAAQS by 2010; help satisfy Delaware's compliance with the federal Clean Air Interstate Rule (CAIR) and the federal Nitrogen Oxides Transport State Implementation Plan (SIP) Call; help satisfy EPA's finding that Delaware failed to submit a Clean Air Act Section 110 SIP addressing upwind interstate transport for the ozone and fine particulate matter NAAQS; and improve visibility.

3. Statutory Basis: 7 Del. C., Chapter 60, Environmental Control.

4. Likely Affected Public: New and existing owners of combustion turbines which generate electricity will be directly affected by this action. NO_x reductions will improve ambient air quality in Delaware and in downwind states, which will benefit public health, safety, and welfare.

5. Proposed Schedule of Activities:

- Development of regulatory language: 8/2005 through 2/2006
- Proposal to be published in Delaware Register: 2/2006
- Public Hearing to be held: 3/2006
- Submittal to U.S. EPA: 5/2006

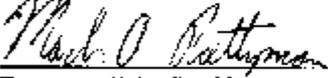
6. Review Committee: The Air Quality Management Section will invite Department, environmental, industry, and other representatives to participate in a review committee to aid the Department in formulating the regulation.

7. Responsible Staff Member:

Mark A. Prettyman
Delaware DNREC
Air Quality Management
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8. Approvals:


Responsible Staff Member 7/26/05
Date


Division Director Date