

TITLE 7 NATURAL RESOURCES & ENVIRONMENTAL CONTROL

DELAWARE ADMINISTRATIVE CODE

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1100 Air Quality Management Section

1125 Requirements for Preconstruction Review

02/11/12 xx/xx/xx

1.0 General Provisions

1.9 Definitions - For the purposes of this regulation

“Subject to Regulation” means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act, or a nationally-applicable regulation codified by EPA, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity. Except that GHG shall not be subject to regulation except as follows:

- (a) Beginning January 2, 2011, the pollutant GHG shall be subject to regulation if:
- The stationary source is a new major stationary source for any pollutant subject to regulation under the CAA that is not GHG and also will emit or will have the potential to emit 75,000 tpy CO₂e or more; or
 - The stationary source is an existing major stationary source for any pollutant subject to regulation under the CAA that is not GHG and also will have an emissions increase of ~~that pollutant~~ any pollutant subject to regulation under the CAA that is not GHG and an emissions increase of 75,000 tpy CO₂e or more: and, in addition,
- (b) Beginning July 1, 2011, the pollutant GHG also shall be subject to regulation:
- At a new stationary source that will emit or have the potential to emit 100,000 tpy CO₂e: or
 - At an existing stationary source that emits or has the potential to emit 100,000 tpy CO₂e when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO₂e or more.

The term emissions increase, as used above, shall mean that both a significant emissions increase and a significant net emissions increase occur.