



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

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 : Collin P. O'Mara, Secretary *Collin*

SUBJECT : ***START ACTION NOTICE***

DATE : April 14, 2011

Enclosed for your information is **APPROVED** Start Action Notice:

2011-07 to amend 7 DE Admin. Code 1144, "Control of Stationery Generator Emissions".

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

Delaware's Good Nature depends on you!



START ACTION NOTICE

2011-07
APPROVED BY

DATE 4-14-2011

- 1. **Type of Action:** Amend the existing Division of Air Quality (DAQ) regulation 7 DE Admin. Code 1144, "Control of Stationary Generator Emissions".
- 2. **Purpose of Action:** DAQ is proposing to amend 7 DE Admin Code 1144 to update the language based upon recent EPA promulgations for similar engines, and to make minor corrections to the regulatory requirements. When finalizing 7 DE Admin Code 1144 in 2005, DAQ stated that the EPA's "Tier 4" standards would not be required for new, emergency generators if Tier 4 standards required aftermarket controls to meet the limits. Because Tier 4 standards do require aftermarket controls DAQ plans to amend the regulation to be consistent with EPA's New Source Performance Standards for internal combustion engines by requiring new, emergency generators to simply meet the Tier 2 or 3 standards, as the regulation already requires. Additionally, the regulation will be amended to lower the diesel sulfur requirement of the regulation from 500ppm to 15ppm to be consistent with EPA requirements. Other planned amendments include removing the sulfur content provisions for natural gas, since the generator owner has no control of the sulfur content in the pipeline natural gas which is received. Also, various definitions will be clarified.
- 3. **Statutory Basis:** 7 Del. C. Chapter 60, Environmental Control.
- 4. **Likely Affected Public:** These requirements will apply to any stationary generator in Delaware.
- 5. **Proposed Schedule of Activities:**
 - DNREC drafts proposal - February 2011- May 2011
 - Public Hearing - July 2011
 - Effective Date - November 11, 2011
- 6. **Review Committee:** A review committee will not be formed as the Department will develop an amended regulation for proposal based upon currently applicable requirements by EPA. The Department believes that holding a public hearing will provide ample opportunity for public education, review and comment.
- 7. **Responsible Staff Member:**

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8. **APPROVALS:**

Responsible Staff Member	Date	Division Director
	4/26/11	1.26.11