



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

Mr. Ali Mirzakhilili  
Director, Division of Air Quality,  
Delaware Department of Natural Resources and  
Environmental Control  
State Street Commons, Suite 6A  
100 West State Street  
Dover, Delaware 19904

DEC 16

2015

Dear Mr. Mirzakhilili:

Enclosed is the final report for the Title V program evaluation conducted by my staff on September 29, 2015 at your New Castle office. I would like to thank you and your staff for the cooperation and support given to my staff in conducting the evaluation, and I look forward to our continued collaboration and success in the Title V program.

If you have any questions regarding the report, please do not hesitate to contact me at 215-814-2500, or have your staff contact Mr. David Talley of my staff at 215-814-2117, and [talley.david@epa.gov](mailto:talley.david@epa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Arnold".

David L. Arnold, Acting Director  
Air Protection Division

cc: Mr. Paul Foster, DNREC

## **Delaware Title V Program Evaluation – September 29, 2015**

### **I. Introduction**

On September 29, 2015, the U.S. Environmental Protection Agency (EPA) conducted an evaluation of Delaware's approved title V Operating Permits Program. Representatives from Region III Air Protection Division, Office of Permits and State Programs travelled to the New Castle, DE office of the Delaware Department of Natural Resources and Environmental Control (DNREC). Present from EPA were David Campbell (Associate Director of the Office of Permits and State Programs), David Talley, Cathleen Kennedy, and Gerallyn Duke. Present from DNREC were Paul Foster (Environmental Program Manager), Joanna French, and Angela Marconi. The evaluation was conducted as a part of EPA's routine oversight of State permitting activities. EPA thanks DNREC for their hospitality and cooperation.

### **II. Background**

EPA first approved DNREC's title V program on October 3, 2001.<sup>1</sup> Subsequent to that initial approval, EPA twice conducted title V program evaluations to assess DNREC's overall implementation of the program, and to identify organizational strengths, as well as areas in which some improvement could be made. Those evaluations were conducted in 2004 and 2007. In both instances, EPA discovered no significant program deficiencies, and generally expressed satisfaction with DNREC's implementation.

### **III. Evaluation**

Because DNREC's title V program is well established, and because EPA routinely reviews proposed title V permits which are submitted to EPA during the course of their routine issuance, EPA did not conduct a file review during this current evaluation. Rather, the evaluation consisted primarily of a conversation between EPA and DNREC, centered around a number of questions which were provided to DNREC on the day of the evaluation.<sup>2</sup> The questions addressed a number of specific program issues, and the results of the discussions are outlined below.

#### **A. Title V Permit Preparation and Content**

As previously discussed, EPA routinely reviews proposed title V permits that are prepared by DNREC and submitted pursuant to 40 CFR 70.7(a)(v), and has been generally satisfied with their content. One challenge for any permitting authority is incorporating into the title V permit requirements which became applicable after the source submitted their original application. According to Mr. Foster, this has not been a significant issue in Delaware, particularly since

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<sup>1</sup> See 66 FR 50321

<sup>2</sup> See Appendix I.

DNREC does not have a large backlog of unissued initial permits or permit renewals, and most older permits have been issued. Electric Generating Units (EGUs) generally present the greatest challenge. A number of aspects of DNREC's program contribute to ensuring that it won't be a problem in the future. First, all of DNREC's permitting engineers are licensed Professional Engineers (PEs). Additionally, DNREC's permitting engineers are also responsible for the compliance activities associated with their assigned facilities. This unique arrangement has been identified by EPA in past evaluations as a "best practice," and in this particular instance it serves DNREC well. As a result of being responsible for all of the permitting and compliance activities at a given facility, each engineer has an intimate and current knowledge of any changes that have been made at each, and therefore which requirements are applicable.

During the previous evaluation, EPA identified one potential opportunity for DNREC to improve the efficiency of its permitting process: concurrent review. At the time of the 2007 evaluation, DNREC was, in all cases, processing a draft permit for 30-day public review, and then submitting a proposed permit to EPA for 45-day review. This is referred to as *sequential* review. Because most title V permits are not controversial or contentious, many permitting authorities have adopted a *concurrent* review process, where a draft/proposed permit is processed and subject to public participation and EPA review at the same time. If no significant comments are received on the permit from any interested party and EPA does not object, the final permit can be issued at the end of EPA's 45-day review period. This can result in considerable time savings. Since the last evaluation, DNREC has implemented concurrent review, and it appears to be a meaningful process improvement.

DNREC also implements a number of other measures which have improved the efficiency of their program. Title V review memos now include a list of all 5-year contemporaneous equipment and associated emissions changes as well as the facility-wide potential to emit (PTE) for all regulated pollutants. Additionally, each permit now has an appendix outlining the chronology of permitting actions. Also, inspection, permitting, and enforcement tracking files are now managed in a Sharepoint site. In addition to an electronic tracking system, Mr. Foster personally tracks all permits. Permits are drafted by engineers with varying levels of experience. Draft/proposed permits are all reviewed by either Ms. French or Ms. Marconi, and then again by Mr. Foster. This helps ensure the quality of draft/proposed permits. Employee performance evaluations include an assessment of timeliness of permit issuance.

A workforce development program is in place to ensure that new and existing employees receive the training and resources they need to perform their jobs. This includes an intranet desk reference with permit templates and model permits, as well as training plans/checklists for new and existing employees, and a "Learning Management System (LMS)" with electronic training resources. Additionally, new hires are paired with a more seasoned engineer for mentoring. EPA reviewed a number of these resources during the evaluation and commended DNREC for their content and detail. However, despite the availability of online resources, DNREC staff experience difficulty obtaining some necessary and beneficial training because of restrictions on out-of-state travel.

## **B. Monitoring**

Federal and State regulations require that each title V permit contain monitoring sufficient to ensure compliance with all applicable requirements. DNREC was asked how this is accomplished. In most cases, “Regulation 2” permits contain monitoring provisions which DNREC has deemed adequate and are incorporated into title V permits as applicable requirements. With respect to older permits or rules in which the monitoring may no longer be presumptively adequate, DNREC will make a case-by-case determination. For example, if a source’s emissions are within 80-90% of any standard, more robust monitoring is generally required. Compliance Assurance Monitoring (CAM) has not been an issue in Delaware – according to Mr. Foster, CAM did not really require anything of Delaware sources that wasn’t already required by “Regulation 2” permits. In situations where the adequacy of a title V permit’s monitoring requirements is in question, the permitting authority’s record is crucial to defending its decisions. With this in mind, DNREC was asked if the rationale for each permit’s monitoring scheme is outlined in the review memo. At least one permitting engineer was reported to be doing this on a routine basis, and DNREC management is considering requiring it as a standard operating procedure. Finally, startup/shutdown/malfunction (SSM) emissions and associated monitoring have been an issue nationally. EPA issued a final rulemaking<sup>3</sup> known as a “SIP Call” to address those State Implementation Plans (SIPs) which contained improper exclusions to emissions limitations during SSM periods. Delaware was included in this SIP Call. However, the SIP Call impacted few regulations, mostly pertaining to EGU’s. Since continuous emission monitoring systems (CEMS) are required at Delaware’s EGU’s, monitoring during SSM is generally not a problem.

## **C. Public Participation and Outreach**

Public participation is a crucial component of any well-functioning title V program. DNREC employs a number of methods for informing the public of opportunities to comment on draft title V permits. The information is published on DNREC’s website. It is also published in a local newspaper. Additionally, DNREC maintains a distribution list of interested parties and sends out email notifications to all who have registered. Title V permits have not typically generated substantial public interest or controversy in Delaware, however if interest arises, DNREC has scheduled public hearings based on simple requests. Hearings are “testimony driven,” and run by a hearing officer. Comments given at hearings are collected by the hearing officer and referred to DNREC for on-record response. DNREC also holds “community meetings,” which are informational in nature, and not intended to generate on-record comments. They are simply a vehicle for keeping local residents informed. Parties interested in reviewing draft title V permits must do so in person – electronic files are not maintained on DNREC’s website. Comments on draft permits may be submitted electronically, by mail, or in person in the case of a hearing.

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<sup>3</sup> See 80 FR 33840

#### **D. Permit Issuance**

Prior to the meeting with DNREC, EPA reviewed DNREC's latest semi-annual title V permit data or TOPS report, which covered the period from January 1-June 30, 2015 (see Appendix II). Notably, in the first half of 2015, the report indicates that DNREC did not have a substantial number of backlogged renewal permits (i.e. permits which were expired, but had been extended past their expiration date). Further, the number reported for the first half of 2015 (7), represented a 50% reduction in the backlog from the second half of 2014. According to Mr. Foster, several factors contributed to this. First, the Delaware City Refinery permit was issued, which freed up significant resources. Second, a concerted effort was made to issue old permits. Ms. Marconi was recently brought onboard, which helped as well. Finally, some of the sources dropped out of major source status. Of the facilities remaining in the backlog, at least one (Fisker) is not likely ever to be issued, because they are not operating and are maintaining their title V permit for reasons unknown to DNREC. Some of the others have applications in house that are incomplete and need to be updated.

#### **E. Compliance**

According to DNREC, compliance issues have not contributed significantly to delays in permit issuance. Facilities which are out of compliance with existing permit terms are issued renewals with compliance schedules. In situations where a consent decree (CD) has been issued, terms of the CD are written into a Regulation 2 permit, and then rolled into the title V.

#### **F. Implementation Agreement**

Subsequent to EPA's initial approval of Delaware's title V program, EPA and DNREC worked out an "implementation agreement," which spelled out EPA's and DNREC's responsibilities and expectations for the cooperative implementation of title V in Delaware. More recently, EPA revisited the agreement in an effort to improve and update the agreement. EPA and DNREC discussed an updated draft during the evaluation, and agreed in principal to the majority of the elements of the revised agreement. A few areas were highlighted for additional revision. EPA pledged to resolve any outstanding issues and work with DNREC to get upper management approval from both agencies so that the agreement can be fully executed.

#### **G. Title V Fees**

Title V revenues have been decreasing nationwide because of tighter emission controls and/or sources closing. Additionally, many States still rely on the presumptively approvable minimum fee structure (plus minor increases tied to the Consumer Price Index) that were established in the original title V regulations. On October 20, 2014, EPA's Office of Inspector General (OIG) issued a report, calling for increased EPA oversight of States' title V revenues.<sup>4</sup> DNREC has been proactive in maintaining adequate title V revenue to sustain its title V program. Delaware statute established the Title V Operating Permit Program Advisory Committee, which performs an annual review to ensure that adequate title V fees are collected to sustain the program. The

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<sup>4</sup> *Enhanced EPA Oversight Needed to Address Risks from Declining Clean Air Act Title V Revenues*; Report No. 15-P-0006; October 20, 2014.

Committee's 2014 report is attached to this report as Appendix III. Delaware title V sources are charged a "base fee," which is calculated based on the number of hours spent by DNREC staff working on title V related activities for that specific source. In addition, sources are charged a "user fee," which is based on their emissions. According to Mr. Foster, title V revenues are currently sufficient to fund the program. This is supported by the data in the 2014 report. However, the Committee did recommend that DNREC hire a consultant to identify and evaluate potential efficiency improvements. EPA supports this recommendation.

DNREC's Division of Air Quality (DAQ) has been allocated a maximum of 65 full time equivalent (FTE) positions, with a hiring cap of 63 employees. Current staffing levels are at roughly 86% of the allocated FTE's, with 13 permitting engineers. Staffing levels are not currently an impediment to processing title V permits in a timely manner. DNREC engineers appear to have all of the training and resources they need in order to perform their duties. However, as previously noted, it is difficult for DNREC engineers to attend beneficial training if it involves out of State travel. This is due to General Fund limitations rather than issues related to title V revenue. Given the number and complexity of new Federal rules, training is vital if State permitting staff are to maintain a current knowledge base. Towards that end, EPA recommends that DNREC staff receive as much training as possible.

#### **IV. Conclusions**

EPA again thanks DNREC for their hospitality and cooperation in conducting this evaluation. No notable deficiencies were identified during the evaluation, and EPA remains highly confident in DNREC's implementation of their title V program.

##### **A. Best Practices**

EPA commends DNREC for their workforce development program. The electronic resources reviewed during the evaluation were clear, well organized, and complete, and are no doubt a valuable asset for new and seasoned employees alike. Additionally, EPA supports the changes that DNREC has made to their review memos, namely the inclusion of 5-year contemporaneous changes, facility-wide PTE, and the chronology of permitting actions. These will provide clarity not only for DNREC's permitting engineers, but for EPA permit reviewers as well. EPA also strongly supports DNREC's efforts to include a monitoring rationale in review memos as standard operating procedure. DNREC's title V fee structure is also a particular program strength. By revisiting fees regularly, and by incorporating the two-pronged approach which includes not just emissions based fees but workload based fees as well, DNREC has managed to reduce the impact that the general trend of diminishing emissions has had on other permitting authorities nationwide. Finally, EPA commends DNREC for reducing their backlog, and for making timeliness a priority, and for implementing a concurrent review process.

##### **B. Suggestions**

EPA recommends that the barriers to out-of-state travel be removed, so that DNREC's engineers have access to as much training as possible. EPA also recommends that DNREC consider

posting draft/proposed permits online, to provide the public with greater access to the title V process.

**C. Follow-up**

EPA will work with DNREC to finalize and execute the revised title V implementation agreement.

# APPENDIX I

## **Delaware Title V Program Evaluation – Focus Areas for Discussion**

### **Title V Permit Preparation and Content**

1. In past conversations, you indicated that title V sources with applications on file were required to update applications which had been on file for a substantial period of time between submittal and permit issuance. Is this still the case? New applicable requirements added (e.g. CSAPR, MATS)?
2. Please describe any efforts DNREC has made since EPA's last program evaluation (2007) to improve the efficiency of its internal processes for issuing title V permits: Revisions of internal procedures and policies, SOPs etc.
  - a. Past discussions revealed that DNREC had conducted "Value Stream Mapping" to increase the efficiency of synthetic and natural minor permit issuance, and that the same effort may be directed towards title V issuance. Has this occurred? Has the effort relating to minor permits had any effect on title V issuance (e.g. more available "manpower" to work on title V)?
3. Have there been any updates to your tracking system, and how does it contribute to the efficiency of your title V program?
4. Please describe any streamlining strategies employed in permit preparation.
5. How are permit writers trained to prepare good permits and SOBs?
6. Please describe your process for quality assurance of title V permits.

### **Monitoring**

1. Please describe your process for developing adequate monitoring requirements.
2. Do your statements of basis include a rationale for the monitoring associated with each applicable requirement?
3. Please describe your process for supplementing monitoring in instances where the existing monitoring scheme is not sufficient to demonstrate compliance with the applicable requirement.
4. Are there any lingering issues with your sources and CAM?

### **Public Participation and Outreach**

1. Please describe your process for public participation from receipt of an application to final permit issuance.

2. When are hearings held? How do you decide whether or not to hold a hearing?
3. Do you maintain a list of interested parties who are notified of various permitting milestones?
4. How do you respond to public comments? Are commenters notified of final permit/RTC issuance and provided with a copy of your RTC?

#### **Permit Issuance**

1. According to your most recent TOPS report, you reduced your backlog of renewal permits from 14 to 8 between the second half of 2014 and the first half of 2015. How was this accomplished?
2. How are significant permit mods incorporated into existing title V permits?
3. Do any of the following impact your ability to issue timely title V permits (initial or renewal)?
  - a. SIP gap/backlog
  - b. Pending revisions to underlying NSR/PSD permits
  - c. Compliance/enforcement issues
  - d. EPA rulemaking
  - e. Lack of EPA guidance
  - f. Competing internal priorities

#### **Compliance**

1. How often do compliance issues impact the timeliness of your title V actions.
2. How are compliance issues resolved prior to permit issuance?
3. Please describe the benefits of having your permit writers also conduct compliance/enforcement activities. Any drawbacks?
4. How are Consent Decree requirements incorporated into title V permits?

#### **Resources and Internal Management Support**

1. Please describe your current staffing levels. Are current levels sufficient in relation to the permitting workload?
2. Do new and current permit writers have access to adequate training?

## APPENDIX II

## Semiannual Title V Permit Data Report

This information request is authorized pursuant to the Information Collection Request for Part 70 Operating Permit Regulations, EPA Number 1587.06, OMB Number 2060-0243; April 2004.

<b>Permitting Authority:</b>	Delaware Dept. of Natural Resources and Environmental Control – Division of Air Quality	
<b>Report Date:</b>	August 4, 2015	
<b>Reporting Period:</b>	<input checked="" type="checkbox"/> January 01 – June 30, 2015  *Report due July 31*	<input type="checkbox"/> July 01 – December 31, 2014  *Report due January 31*

Data Element	Reported Value	Information
<b>1. Outstanding Permit Issuance</b>	a) Number of final actions: None  b) Total commitment universe: None  c) Date commitment completed (if applicable): None	<ul style="list-style-type: none"> <li>Total final actions on Permitting Authority-specific permit issuance commitments (i.e., agreements by the Permitting Authority to complete action on initial permits within a specified time-frame, such as agreements related to the 2001 citizen comments).</li> <li>If the Permitting Authority does not have a commitment, enter "not applicable" in 1(a) and 1(b).</li> </ul>

<p><b>2. Total Current Part 70 Source Universe and Permit Universe</b></p>	<p>a) Number of active part 70 <u>sources</u> that have obtained part 70 permits, plus the number of active part 70 <u>sources</u> that have not yet obtained part 70 permits:</p> <p>58</p>	<ul style="list-style-type: none"> <li>• The total current part 70 <u>source</u> universe includes all sources subject to the Permitting Authority's part 70 program applicability requirements (i.e., provisions comparable to §70.3).</li> <li>• In 2.a), count all active sources that either have obtained or will obtain a part 70 permit. EPA expects that this data will be primarily based on the Permitting Authority's application and permit tracking information. If, however, the Permitting Authority is aware of part 70 sources that are not yet captured by application or permit information, count those sources as well.</li> <li>• Do <u>not</u> count sources that are no longer subject to part 70, such as sources that have shut down, or become natural minors or synthetic minors, and do not have an active part 70 permit.</li> <li>• Do <u>not</u> double count sources included in 2.b).</li> </ul>
<p><b>Total Current Part 70 Source Universe and Permit Universe</b></p> <p><b>(Continued)</b></p>	<p>b) Number of part 70 <u>sources</u> that have applied to obtain a synthetic minor restriction in lieu of a part 70 permit, and the part 70 program's permit application due dates for those sources have passed:</p> <p>1</p>	<ul style="list-style-type: none"> <li>• Element 2.b) is intended to capture the universe of part 70 sources that are seeking synthetic minor restrictions in lieu of part 70 permits, but haven't received those restrictions before becoming subject to the part 70 program's permit application requirements. If the part 70 applications don't readily identify sources seeking such restrictions, the Permitting Authority may include those sources in 2.a), and need not break them out here. However, EPA expects Permitting Authorities to consider pending synthetic minor requests <u>not</u> addressed in part 70 applications to calculate this portion of the part 70 source universe.</li> <li>• Count sources that currently meet the part 70 program's applicability requirements, their part 70 application due dates have passed, and they have requested but not yet received synthetic minor restrictions in lieu of a part 70 permit (or permit renewal).</li> <li>• Also count active sources whose synthetic minor restrictions have expired (i.e., no synthetic minor restrictions are currently in place, even though they may be eligible for such restrictions) and are past their part 70 program's application due date.</li> <li>• Do <u>not</u> count sources that have active synthetic minor restrictions and are no longer subject to part 70.</li> <li>• Do <u>not</u> double count sources included in 2(a).</li> </ul>

	<p>c) Total number of current part 70 <u>sources</u> (a+b):</p> <p>59</p>	
	<p>d) <i>For permitting authorities that issue multiple part 70 permits to a single source:</i> total number of active part 70 <u>permits</u> issued, plus part 70 <u>permits</u> applied for:</p> <p>61</p>	<ul style="list-style-type: none"> <li>• For Permitting Authorities that issue multiple part 70 permits to a single source, and these permits are issued and tracked separately, report the total permit universe, including # of active part 70 permits issued (element 3 below), plus permits applied for (based on pending applications). This information is for correlating data when the Permitting Authority's part 70 <u>permit</u> universe may be greater than the part 70 <u>source</u> universe.</li> <li>• For Permitting Authorities that do not issue multiple permits to a single source, or for those that issue and track multiple permits issued to a source on a source-wide basis, enter "not applicable" in 2.d).</li> </ul>
<p><b>3. Total Active Part 70 Permits</b></p>	<p>Total number of active part 70 permits:</p> <p>59</p>	<ul style="list-style-type: none"> <li>• This element includes all <u>active</u> initial and renewal part 70 permits issued by the permitting authority. Do <u>not</u> count inactive permits, i.e., permits that are no longer in effect due to source shutdown, synthetic minor restrictions, etc. Note: the procedures for rendering part 70 permits no longer effective may vary, depending on the part 70 program.</li> <li>• Do <u>not</u> count both initial and renewal permits (or prior renewal and current renewal permits) issued to the same source; i.e., do not double count.</li> <li>• Count permits that have been extended (see 6.b. below), but do <u>not</u> count permits that have expired, or have been voided, revoked, etc.</li> <li>• Count each source covered by a general permit separately for this data element. If a single source has several general permits and/or source specific permits, refer to the information for permitting authorities that issue multiple part 70 permits to a single source.</li> <li>• For permitting authorities that issue multiple part 70 permits to a single source and included information in element 2(d), count each permitted portion of the source separately for this element. This distinction is for correlating this data element with the permit universe information in element #2(d).</li> </ul>

<p><b>4. Timeliness of Initial Permits (PART element)</b></p>	<p>a) Total number of initial part 70 permits issued during 6 month reporting period:</p> <p>Zero</p>	<ul style="list-style-type: none"> <li>• This data element tracks the initial part 70 permits issued as final (e.g., not draft or proposed) during the 6 month reporting period covered by this report, and whether they were issued within 18 months of receipt of an administratively complete application.</li> <li>• For TOPS purposes, initial permits are permits that are issued to any source that has become subject to part 70 for the first time, or any source that comes back into the part 70 program after a period of not being subject.</li> <li>• If no initial permits were issued during the 6 month reporting period, report “zero” in 4(b), and “not applicable” in 4(a).</li> <li>• Start the 18-month clock on the submittal date of an administratively complete application. For purposes of this data element, do not stop or restart the 18 month clock for additional information submitted after the application is deemed administratively complete.</li> <li>• For permitting authorities that issue multiple part 70 permits to a single source and included information in 2(d), count each permitted portion of the source separately for this element. This distinction is for determining individual permit timeliness.</li> </ul>
<p>b) Number of initial part 70 permits finalized during 6 month reporting period that were issued within 18 months:</p> <p>Zero</p>		
<p><b>5. Total Outstanding Initial Part 70 Applications</b></p>	<p>The number of active initial part 70 applications older than 18 months:</p> <p>Zero</p>	<ul style="list-style-type: none"> <li>• This element tracks <u>all</u> active, administratively complete <u>initial</u> part 70 permit applications that the permitting authority has not taken final action on within 18 months of receipt of the administratively complete application. Do not stop or restart the 18 month clock for additional information submitted after the application is deemed administratively complete.</li> <li>• For TOPS purposes, initial part 70 applications are applications for sources that are subject to title V for the first time, or for any source that comes back into the title V program after a period of not being subject. Do <u>not</u> include renewal applications.</li> <li>• Include all current outstanding initial applications, including those that may also be tracked in data element #1.</li> <li>• Do <u>not</u> count initial applications the Permitting Authority has taken final action on.</li> </ul>

<b>6. Outstanding Renewal Permit Actions</b>	a) Total number of expired permits for active part 70 sources:  1	<ul style="list-style-type: none"> <li>• This data element tracks the total number of expired permits for active part 70 sources. Part 70 permits expire after 5 years if the sources do not submit timely and complete renewal applications, or if they have lost their application shield by not timely responding to additional requests for information.</li> <li>• Include expired permits that have been addressed through consent orders or other enforcement mechanisms. Expired permits can be further addressed in the “Additional Information” element.</li> <li>• Do <u>not</u> include permits that have expired because the source is no longer subject to Title V; i.e., they have shutdown or have received synthetic minor restrictions.</li> </ul> <p>For permitting authorities that issue multiple part 70 permits to a single source and included information in 2(d), count each expired permit separately.</p>
<b>Outstanding Renewal Permit Actions (Continued)</b>	b) Total number of active permits with terms extended past 5 years:  7	<ul style="list-style-type: none"> <li>• This data element tracks the total number of active permits that have been extended past the original 5 year permit term. Part 70 permits or permit conditions are extended beyond the original 5 year term when sources submit a timely and complete renewal application (and any timely and complete additional information requested by the permitting authority), but the permitting authority has not yet issued a renewal permit.</li> <li>• Count all extended permits, including extended permits for sources that submitted timely and complete renewal applications within the last 18 months. Pending applications that are less than 18 months old can be further addressed in the “Additional Information” element.</li> <li>• Do <u>not</u> include inactive extended permits, i.e., when a subsequent permit renewal has been issued or a source is no longer subject to part 70.</li> <li>• Do <u>not</u> include “expired part 70 permits” that have been addressed through consent orders or other enforcement mechanisms. Count expired permits in 6(a).</li> <li>• For permitting authorities that issue multiple part 70 permits to a single source and included information in 2(d), count each extended permit separately.</li> </ul>

<b>7. Timeliness of Significant Modifications (PART element - a and b only)</b>	a) Total number of significant modifications issued during 6 month reporting period:  5	<ul style="list-style-type: none"> <li>• This data element tracks the number of significant modifications issued as final (e.g., not draft or proposed) during the 6 month reporting period. It also tracks the number of those modifications that were issued within 18 months of receipt of an administratively complete significant modification application, and also the number that were issued within 9 months. Note that 7(c) is a subset of 7(b).</li> <li>• If no significant modifications were issued during the 6 month reporting period, report “zero” in 7(a) and “not applicable” in 7(b) and 7(c).</li> <li>• Start the application clock on the submittal date of an administratively complete significant modification application. Do not restart the clock for additional information submissions.</li> </ul>
	b) Number of significant modifications finalized during 6 month reporting period that were issued within 18 months:  5	
	c) Number of significant modifications finalized during 6 month reporting period that were issued within 9 months:  3	
<b>8. Outstanding Significant Permit Modifications</b>	Total number of active significant modification applications older than 18 months:  2	<ul style="list-style-type: none"> <li>• This element tracks all active, administratively complete significant permit modification applications that the permitting authority has not taken final action on within 18 months of receipt of the administratively complete application.</li> <li>• Do not stop or restart the 18 month clock for additional information submitted after the application is deemed administratively complete.</li> <li>• Do <u>not</u> count significant modification applications the Permitting Authority has taken final action on.</li> </ul>
<b>9. Comments and Additional Information</b>		Permitting authorities may provide any additional information in this section. For example, a permitting authority may address data changes, data management issues, general permits, multiple permits issued to single stationary sources, synthetic minor information, additional relevant data, etc.

**MEMORANDUM**

TO: Ali Mirzakhali, P.E.  
Paul E. Foster, P.E.  
Joanna L. French, P.E.  
Angela D. Marconi, P.E.  
Dawn C. Minor

FROM: Karen A. Mattio, P.E.

SUBJECT: **Semi-Annual TOPS Report Summary**

First Half 2015

DATE: August 4, 2015

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On August 4, 2015 I submitted the semi-annual TOPS Title V Permit Data Report to David Talley, EPA Region III, Air Protection Division, Office of Permits and Air Toxics (3AP10) and Paul Wentworth, EPA Region III Senior Environmental Engineer. This report is submitted per Information Collection Request (ICR) No. 1587.06, OMB No. 2060-0243, dated April 2004. These semi-annual reports are submitted in lieu of the annual report due December 1 of each year required under Condition VII(B) of the Title V permitting Memorandum of Understanding (MOU) between the State of Delaware and EPA Region III as discussed during the midyear review meeting of April 25, 2007. This report covers January 1, 2015 through June 30, 2015.

The full TOPS report is attached, but the following information will provide a summary.

<b>Data Element</b>	<b>1<sup>st</sup> Half 2013</b>	<b>2<sup>nd</sup> Half 2013</b>	<b>1<sup>st</sup> Half 2014</b>	<b>2<sup>nd</sup> Half 2014</b>	<b>1<sup>st</sup> Half 2015</b>
Number of Major Sources	60	60	58	55	58 <sup>1</sup>
Number of Title V Permits (issued plus awaiting issuance)	62	62	60	58	59
Number of Active Title V Permits	61	60	57	56	61
Number of Initial Permits Awaiting Issuance for >18 mos.	0	0	0	0	0

Number of Expired Title V Permits (i.e. not extended due to late renewal application)	1	1	1	1	1 <sup>2</sup>
Number of Active Permits with Terms Extended Past Expiration Date	11	10	11	14	7 <sup>3</sup>
Number of Significant Permit Modifications Issued During Reporting Period	1	2	5	2	5 <sup>4</sup>
Of these, number issued within 18 mos. of application	1	2	5	2	5 <sup>4</sup>
Of these, number issued within 9 mos. of application	1	1	5	2	3
Significant Permit Modification Applications Older than 18 mos.	1	2	2	1	2 <sup>5</sup>

Notes:

1. Fisker was added back into the list since it is keeping its TV permit, Diamond State Port Corp. and Honeywell WWTP are both TV sources but not yet permitted as such.
2. Hercules Inc. Research Center TV permit expired 8/12/09. Application was due 8/12/08, not submitted until 11/05/08, therefore permit expired. Permit being reissued as NM.
3. Sunoco, Inc. R&M; Dover Air Force Base; Fisker, Clean Earth of New Castle, E.I. DuPont Red Lion, DuPont Stine Haskell, Kuehne.
4. DSWA Sandtown, DSWA Southern, DuPont Experimental Station, Magellan and Hanover Foods.
5. Sunoco (Renewal 1 Revision 1)and DAFB (Renewal 1 Revision 7).

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## APPENDIX III

State of Delaware

Department of Natural  
Resources and  
Environmental Control

Division of Air Quality



*Annual  
Title V Fee  
Committee  
Status Report*

Calendar  
Year  
2014

Published June 15, 2015

This report meets the requirements of 7 Del. C. Chapter 60, Subchapter VIII, Section 6097(1)

*BLUE SKIES DELAWARE; CLEAN AIR FOR LIFE*

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## Introduction

Title V is an air pollution control program, based in federal law, designed to standardize air quality permits and the permitting process for major sources of air emissions across the country. The name "Title V" comes from Title V of the 1990 Federal Clean Air Act Amendments, which required that the U.S. Environmental Protection Agency (EPA) establish a national operating permit program. Accordingly, EPA adopted regulations [Title 40 of the Code of Federal Regulations, Chapter 1, Part 70 (Part 70)] which required states and local permitting authorities to develop and submit a federally enforceable operating permit program for EPA approval. As a result, the State of Delaware developed 7 DE Admin. Code 1130.

Section 502(b) of the 1990 Clean Air Act Amendments requires that all sources subject to the permitting requirements under Title V of the 1990 Clean Air Act Amendments pay an annual fee, sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the permit program. These requirements were incorporated into 7 *Del. C.* Chapter 60, Subchapter VIII. These fees must be reviewed periodically (currently every three years) before the authorization expires to consider adjustments. In the State of Delaware, these annual fees cover both "Major Sources" and "Synthetic Minor" sources. EPA defines a Major Source as a facility that emits, or has the potential to emit (PTE) any criteria pollutant or hazardous air pollutant (HAP) at levels equal to or greater than the Major Source Thresholds (MST). The MST for criteria pollutants may vary depending on the attainment status and non-attainment classification (e.g. moderate, serious, severe, extreme) of the geographic area in which the facility is located. Sources may also elect to take voluntary limits to reduce their PTE to below the MST. These sources are called Synthetic Minor sources.

The Title V revenue is intended to ensure a stable level of support for the technically complex activities undertaken by the Department of Natural Resources and Environmental Control (the Department) to ensure both protection of human health and the environment and a reasonable level of service to customers seeking permits and other services. The services provided by the Department supported wholly or partially by this Title V fee revenue are summarized in a later section of this report called "Program Accomplishments" and include:

- Permitting activities;
- Compliance activities;
- Enforcement activities;
- Planning activities;
- Emission inventory activities;
- Air monitoring activities;
- Small Business Ombudsman activities; and
- Other special accomplishments.

These activities and the fees required to support this work are consistent with the EPA guidance for Title V programs. This report is intended to provide a reasonable amount of accountability over those activities and the fees assessed.

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### Title V Fee Committee

Delaware Statute established the Title V Operating Permit Program Advisory Committee<sup>1</sup> (also known as the Title V Fee Committee) herein and specified that the membership of this committee include certain emitting business interests as well as members of the public and non-governmental organizations. The purpose or charter of the Title V Fee Committee is to assess whether the fees collected pursuant to 7 *Del. C.* Chapter 60, Subchapter VIII are adequate to ensure the effective implementation of the Program and to make recommendations to remedy or improve any deficiencies or elements of the Program.

The Title V Fee Committee has been operating for several years, and by working together, has expanded its scope to include renegotiating the Title V fee structure periodically prior to expiration to ensure that the financial needs of the Division of Air Quality (DAQ) and other Title V requirements are being met while the payment burden is distributed fairly across the Major Source and Synthetic Minor facilities. In order to do this, the Division of Air Quality estimated the cost of the Title V Program through a detailed Workload Analysis developed in 2010. The workload analysis projected operating costs for 2011- 2013.

See <http://www.dnrec.delaware.gov/Air/Pages/Title-V-Fee-Committee-Information.aspx> for the Workload Analysis that was used during the 2011 round of fee negotiations. More recently, the DAQ established revenue requirements based on Full Time Employee (FTE) restrictions established by personnel hiring caps. These personnel restrictions then set the basis for the total Title V revenue that needs to be collected annually for the next three years. Once the revenue target is set, the Title V Fee Committee works with the Major and Synthetic Minor Sources to determine how the fees will be distributed fairly.

The current Title V Fee Schedule, which was supported by the Title V Fee Committee, was presented to the Delaware General Assembly through House Bill 374. It was passed by the House on June 17, 2014, was passed by the Senate on June 26, 2014, and was signed by the Governor on September 11, 2014. This Title V Fee Schedule applies to Calendar Years 2015, 2016, and 2017. It can be found in 7 *Del. C.* Chapter 60, Subchapter VIII and is available at: <http://delcode.delaware.gov/title7/c060/sc08/index.shtml>.

The Title V Fee Committee met three times in 2014:

- During the February 6, 2014, meeting the Title V Fee Committee presented their revised fee proposal for the 2015-2017 Title V billing cycle.
- During the March 31, 2014, meeting the Division of Air Quality presented its Strategic Planning briefing. The Title V Fee Committee members presented the chamber's second and unified fee proposal for 2015-2017.

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<sup>1</sup> 7 *Del. C.* Chapter 60 Subchapter VIII § 6099 requires that the Committee "...include, but not be limited to, the Secretary of the Department of Natural Resources and Environmental Control, or the Secretary's duly appointed designee; the Director of the Division of Air Quality, or the Director's duly appointed designee; 2 members who will represent stationary sources; 1 to be a member of the Chemical Industry Council; a member of the Delaware State Chamber of Commerce; a member representing a public utility; 2 members of a nationally affiliated or state environmental advocacy group; and the chairpersons of the House and the Senate Natural Resource Committees. The Secretary of the Department of Natural Resources and Environmental Control shall serve as the Chair of this Committee."

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- During the July 24, 2014, meeting a Special Working Group (SWG) met to discuss and recommend a course of action necessary to conduct the Management Review Study proposed in the 2015-2017 legislation.

**Note:** The SWG met on several occasions between July and October to create and submit the Request For Proposal (RFP) for the Management Review Study. The RFP was approved by the Office of Management and Budget (OMB) and advertised for 30-days (January 30-March 2, 2015). As of March 2, 2015, no proposals were received for the management review project. The RFP results were referred to the Committee for further review and recommendation.

The materials from each of these meetings are available for review at: <http://www.dnrec.delaware.gov/Air/Pages/Title-V-Fee-Committee-Information.aspx>.

Title V Fees are billed annually in December for the next calendar year. Title V bills for Calendar Year 2014 were mailed in December 2013. Facilities can choose to pay their bill in one payment or in quarterly payments. If the facility chooses to pay their bill in one payment, it is due by February 1<sup>st</sup>. If the facility chooses to pay their bill in quarterly payments, the payments are due on February 15<sup>th</sup>, May 15<sup>th</sup>, August 15<sup>th</sup>, and November 15<sup>th</sup>. If a facility does not pay their bill, they will be sent three reminders. The third reminder is sent certified mail. If, after the third reminder, the facility still does not pay their bill, enforcement action may be taken.

Please note that the Title V Fee Structure for Calendar 2012-2014 contains a clause for late payments. Section 6097(i) states “Any delinquent subject source shall be subject to a 2% compounding monthly interest rate for each month overdue. Subject sources delinquent for more than one year may be subject to permit cancellation.” This late fee clause was added during the 2011 Title V Fee Schedule negotiations to address the rising number of facilities who have been delinquent on their payments.

**Overall Program Costs**

See Table 1 for a summary breakdown of Calendar Year 2014 Title V Costs.

**Table 1: 2014 Title V Costs**

Salary	\$2,395,847
Travel	\$12,490
Contractual <sup>2</sup>	\$259,000
Supplies	\$59,710
Capital Outlay	\$5,530
Additional Support Services <sup>3</sup>	\$248,877
Small Business Ombudsman Program <sup>4</sup>	\$107,214
<b>Total</b>	<b>\$3,088,668</b>

<sup>2</sup> Items covered under the “Contractual” category include: Legal Assistance, Fleet charges (vehicle rental), building rent, utilities, vendor payments, temp services, and the upkeep of some air monitoring equipment.

<sup>3</sup> Items covered under “Additional Support Services” include: Information Technology (\$35,507.00), the Environmental Crimes Unit (\$192,033.56), and OTS support (\$21,336.33).

<sup>4</sup> Items covered under the “Small Business Ombudsman Program” include the salary and expenses of 1.3 FTEs.

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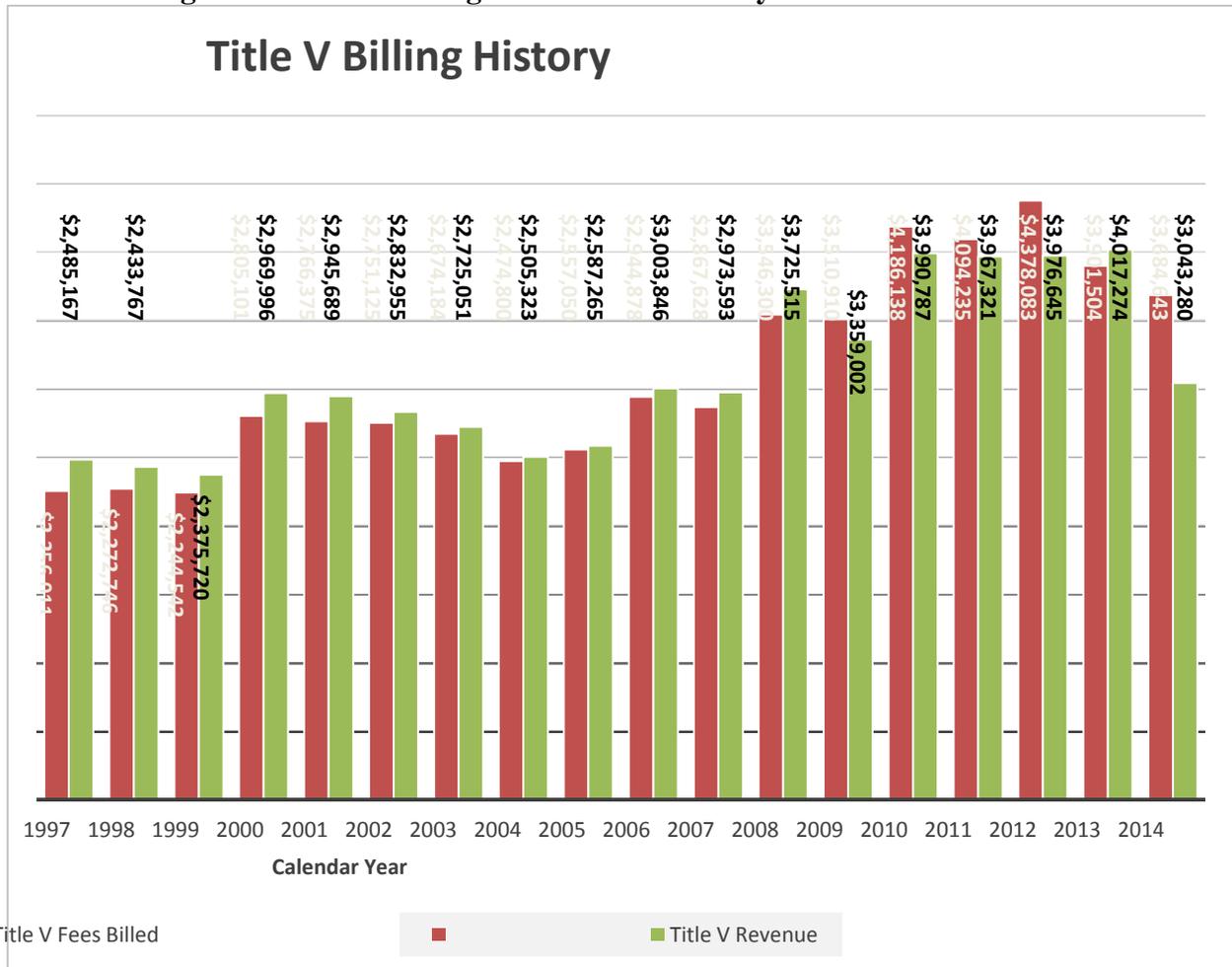
**Fees Collected**

Title V fees are billed on a calendar year basis (January 1 through December 31), but are spent on a state fiscal year basis (July 1 through June 30). The 2014 Title V revenue is determined by the actual monies deposited into the Title V account during calendar year 2014 only. The final revenue is impacted by interest gained on the Title V account, quarterly payments, and early payments received and deposited in December 2013 for 2014 fees. This makes comparing revenue and fees collected difficult.

For 2014, **78** active Synthetic Minor and **57** Title V facilities were billed. A total of \$3,684,643, including previous year(s) back fees, was billed. Of the total amount billed, \$3,280,273 was collected and \$404,370 is overdue. The difference of \$404,370 was the result of 6 non-payments (see Table 3). The 2014 fees for one facility (\$10,196.00) are currently under review. Any back fees that are collected in 2015 will be counted towards the 2015 revenue.

The Calendar Year 2014 Title V revenue was \$3,043,280. See Figure 1 for a history of Title V billing and revenue since 1997.

**Figure 1: Title V Billing and Revenue History**



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On December 31, 2014, the Title V carryover balance was \$4,243,034. See Table 2 for the 2015 carryover prediction.

**Table 2: 2015 Title V Carryover Balance Projection**

	<b>2015 Prediction</b>
<b>Total Revenue</b>	\$3,384,558
<b>Total Expenses</b>	\$3,150,441
<b>Δ Revenue - Expenses</b>	\$234,117
<b>Carryover Balance</b>	\$4,477,151

Please note that the 2015 revenue prediction used in the above calculation was based upon the total amount of actual fees billed for 2015 to include overdue fees from previous year billings. The 2015 expenses prediction was based upon the 2014 expenses plus a 2% cost of living adjustment.

**Delinquent Facilities**

Consistent with the 2015-2017 Legislative Guidance, Table 3 reflects the 2014 delinquent facilities to include the amount owed and the specific actions taken to collect the overdue fees.

**Table 3: Delinquent Facilities**

<b>Facility Name</b>	<b>Amount Due</b>	<b>Recovery Actions</b>
3 D Fabrications, Inc.	\$53,773.30	Facility notified. Establishing a payment plan for overdue fees.
Coker Concrete	\$4,554.97	Facility notified. Establishing a payment plan for overdue fees.
Evraz Claymont Steel	\$257,000.00	Facility closed. Company not successful in selling property. Permit cancelation in-progress. Not billed in 2015.
Fisker Automotive, Inc	\$67,138.67	Fisker Automotive in bankruptcy proceedings. Fee recovery included as part of the bankruptcy filing. The delinquent amount covers fees and surcharges for CY 2012 and 2013. The new owner paid the 2014 TV invoice.
Title V Facility (1)	\$10,196.00	To be determined. Billing under review.
Mike Davidson Excavating LLC	\$11,707.11	Permit cancelation in-progress. Not billed in 2015.
<b>TOTAL</b>	<b>\$404,370.05</b>	

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**Current Staffing Levels**

The Division of Air Quality’s end of calendar year 2014 staffing level was 86% and 9 positions were vacant. As mentioned in the 2012 annual report, to streamline the organizational structure at the Branch level, realign programs supporting similar objectives, and provide additional staff support to all employees and programs, the DAQ implemented several organizational changes in 2012. See Table 4 for a breakdown of the staffing levels for the new Branches and Groups within the Division.

**Table 4: Division of Air Quality Staffing Levels**

<b>Branch</b>	<b>Authorized</b>	<b>Occupied</b>	<b>Staffing Level</b>
Director	1.0	1.0	100%
Analytical Support Group	3.0	2.0	67%
Operations Support Group	3.5	2.5	71%
Administrative Group	5.0	4.0	80%
Engineering & Compliance Branch	23.5	19.5	83%
Planning Branch	29.0	27.0	93%
<b>Total</b>	<b>65.0</b>	<b>56.0</b>	<b>86%</b>
Temporary Positions	2.0	1.0	50%
Seasonal Positions	2.0	0	0%

During 2014, 10 full-time employees separated or retired from the Division and six additional full-time employees were hired. See Table 5 for a list of hiring actions taken in calendar year 2014.

**Table 5: Calendar Year 2014 Hiring Actions**

<b>Date</b>	<b>Name</b>	<b>Source</b>	<b>Position</b>	<b>Branch</b>	<b>Funding</b>
6/16/2014	Peter Nguyen	External	Engineer I	Planning	RGGI
6/30/2014	Chavis Bianco	External	Engineer I	Eng/Comp	Title V/Air Grant
8/18/2014	Rachel Yocum	External	Planner II	Planning	Gen Funds
10/27/2014	Keith Hoffman	External	ECT III	Planning	Air/PM 2.5 Grants
10/27/2014	Harita Kandarpa	External	Env Sci II	Planning	Air Grant
12/30/2014	Christine Slaughter	External	Admin Spec I	Admin Grp	Title V/Air Grant

Please note that in 2008, the DAQ was authorized 76 full-time positions. As of December 31, 2014, state-wide personnel reductions have decreased the Division’s authorized positions to 65 FTEs with a hiring cap of 63 employees.

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**PROGRAM ACCOMPLISHMENTS**

**Title V Permitting Activities**

The Division of Air Quality is responsible for all permitting activities at Title V and Synthetic Minor facilities. In calendar year 2014, the following permitting activities were accomplished:

- 6 Title V Permit Renewals were issued;
- 10 Title V Permit Amendments were issued;
- 0 Public Hearings for Title V Permits were held;
- 0 Synthetic Minor Construction Permits were issued;
- 9 Synthetic Minor Operating Permits were issued;
- 11 Federally Enforceable Construction Permits were issued; and
- 1 Federally Enforceable Operating Permit Amendments were issued.

The Division of Air Quality is required to issue Title V Renewal Permits within 18 months or 547 days of determination of receipt of a complete application as defined by 7 DE Admin. Code 1130. In calendar year 2014, the Division of Air Quality issued Title V Permit Renewals within 594 days of complete application receipt on average. The shortest amount of time to issue a Title V Permit Renewal was 295 days, while the longest amount of time was 1,576 days. If the two permits with extended issuance timeframes are excluded from the averages, permits were issued within an average of 343 days and the longest timeframe was 370 days.

As part of the Value Stream Mapping efforts for the Synthetic Minor permitting program, the Division of Air Quality has committed to issuing Synthetic Minor permits within 3.3 to 4.7 months or 102 to 145 days. A permit issuance range was chosen for Synthetic Minor permits because of the varying complexity of these permits. In calendar year 2014, Synthetic Minor permits were issued within 165 days from application receipt and 162 days from the Technically Complete determination on average. If the permit with an extended issuance timeframe is excluded, permits were issued within an average of 76 days from application receipt and 75 days from the Technically Complete determination.

When a Title V source is constructing new equipment, the source may choose to have these permits issued using the “Federally Enforceable” process. This process requires that a draft permit be advertised for 30 days and that a proposed permit be sent to EPA for a 45 day review period. This process mirrors the path for issuing a Title V Permit, Permit Renewal, or Significant Permit Modification. If a construction permit or operating permit amendment follows these procedures, the permit can be incorporated into the Title V Permit using the Administrative Amendment process upon completion of construction of the new source. During calendar year 2014, the Division of Air Quality issued 12 Federally Enforceable permits within an average of 162 days. The shortest time period to issuance was 58 days and the longest was 460 days.

Please note that while the Engineering & Compliance Branch has introduced efficiencies to improve permitting timeframes and reduce rework, as the Branch continues to operate with a reduced staffing level, instances where permit timeframes exceed the permit issuance range may occur.

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**Title V Compliance Activities**

Many Title V related compliance activities are undertaken by the Division of Air Quality each year. These activities include on-site compliance evaluations or inspections, stack tests and relative accuracy test audits (RATAs), and report reviews. In calendar year 2014, the following compliance activities were undertaken:

- 50 on-site compliance evaluations were conducted at Title V facilities;
- 156 stack tests and RATAs were conducted at Title V facilities;
- 164 report reviews were conducted for Title V facilities;
- 24 on-site compliance evaluations were conducted at Synthetic Minor facilities;
- 26 stack tests were conducted at Synthetic Minor facilities; and
- 11 report reviews were conducted for Synthetic Minor facilities.

**Title V Enforcement Activities**

If the compliance activities described above indicate that a facility is not in compliance with requirements, the Division of Air Quality will pursue enforcement action against that facility. Enforcement actions may take the form of Notices of Violation, Administrative Orders, Consent Decrees or Agreements, or Stipulated Penalties. In some cases, the Department takes no further action depending upon specific circumstances such as whether the violation was self-reported, minor, isolated and corrected quickly. In other cases, the Department has the authority and may seek, and generally obtains, fines and penalties. For a complete description of enforcement activities, see the Department of Natural Resources and Environmental Control's "Compliance and Enforcement Response Guide" available at: <http://www.dnrec.state.de.us/dnrec2000/Admin/Enforcement/Guide/CandEGuide.htm>. In calendar year 2014, the following enforcement activities were completed (please note that this does not include pending enforcement activities):

- 5 Notices of Violation were issued to Title V facilities;
- 0 Administrative Orders were issued to Title V facilities;
- 0 Stipulated Penalty Demand Letters were issued to Title V facilities;
- 0 Consent Decrees were issued to Title V facilities;
- 1 Notice of Violation was issued to a Synthetic Minor facility; and
- 0 Administrative Orders were issued to Synthetic Minor facilities.

**Title V Planning Activities**

There are many planning activities associated with the Title V program. These activities include, but are not limited to:

- Preparing State Implementation Plan (SIP) revisions, including the extensive ozone, fine particulate matter (PM<sub>2.5</sub>) and visibility SIPs, to ensure progress in attaining and maintaining ambient air quality standards and meeting visibility goals;

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- Developing and maintaining comprehensive criteria pollutant and air toxics emission inventories; and
- Developing and maintaining air pollution control regulations in accordance with State and Federal requirements.

The Planning Branch of the Division of Air Quality accomplished the following Title V related planning activities in calendar year 2014:

- State Implementation Plan (SIP) activities:
  - Worked with the EPA on approval of Delaware's maintenance SIP for New Castle County PM<sub>2.5</sub>. The SIP was approved by the EPA effective September 2014.
  - Worked with the EPA to complete the process to re-designate New Castle County to attainment for PM<sub>2.5</sub>. New Castle County was re-designated to attainment effective September 2014.
  - Completed and submitted to the EPA a state-wide reasonably available control technology (RACT) demonstration SIP for the 2012, 8-hour ozone NAAQS.
  - Completed and submitted to the EPA a state-wide base year emissions inventory SIP for the 2012, 8-hour ozone NAAQS.
- Regulatory Development Activities:
  - Proposed revisions to 7 DE Admin. Code 1124, Stage II vapor recovery.
  - Continued to assist the Delaware DAG in a legal challenge of the EPA's non-attainment boundaries for the 0.075 ppm 8-hour ozone NAAQS. Oral arguments were presented in October 2014.
  - Continued to support a challenge to the EPA's final rule titled "National Emissions Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engine; New Sources Performance Standards for Stationary Internal combustion Engines; Final Rule." Oral arguments were presented in September 2014.
  - Continued to work with the EPA and Ozone Transport Commission (OTC) states to address and mitigate the impact of upwind emissions on Delaware's ozone air quality problems.
  - Worked with the EPA and successfully petitioned for the entire State of Delaware to be designated as attainment for the 2012, annual 12 µg/m<sup>3</sup> PM<sub>2.5</sub> NAAQS.
- Other Title V Activities:
  - Gained admittance of the entire State of Delaware in the EPA's PM Advance program.
  - Completed a moveable air monitoring platform (MAMP) study at Claymont, and initiated one at the Mallard Pointe development in New Castle.
  - Finalized and actively implemented Delaware's 2013, Air Toxics Strategic Plan (ATSP), which covers the period 2014 through 2018; and finalized the 2015-2019 Air Toxics Strategic Plan;
  - Finalized and submitted to the National Emission Inventory System, Delaware's 2013 emissions inventory.
  - Substantially completed and documented Delaware's 2012 greenhouse gas emissions inventory.

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- Submitted comments to the EPA on their proposal to regulate CO<sub>2</sub> emissions from new power plants under CAA 111(b), and their proposal to regulate CO<sub>2</sub> emissions from existing power plants under CAA 111(d).
- Submitted to the EPA, in accordance with 40 CFR Section 58.10(a), an annual air monitoring network plan.
- Drafted 126 petition and began modeling.
- In an effort to reduce emissions from upwind states, analyzed and submitted comments to PA, NJ and MD on their ozone RACT SIPs.

### **Title V Emission Inventory Activities**

The Emission Inventory Group is part of the Planning Branch of the Division of Air Quality. The Emission Inventory Group is charged with preparing all necessary inventories of emissions from all sources of air pollution in the State, including stationary sources, area sources, and mobile sources. The information gathered by the Emission Inventory Group is used in many of the planning activities described above. Emissions include criteria air pollutants, air toxics, and greenhouse gases.

The Emission Inventory Group accomplished the following Title V related activities in calendar year 2014:

- 2013 Inventory – Collected point source data from 62 facilities through the annual reporting cycle that takes place in the February through April timeframe;
- 2013 Inventory – Performed a technical review of the submitted data for completeness and accuracy;
- 2013 Inventory – Submitted point source data for all 62 reporting point sources to EPA's EIS by the December 31 deadline; and
- The on-line emissions reporting system, known as the State and Local Emissions Inventory System (SLEIS), was used by facilities to submit 2013 data in 2014.

### **Title V Air Monitoring Activities**

The Air Monitoring Group of the Division of Air Quality conducts several Title V related activities including:

- Measuring ambient concentrations of selected air pollutants and selected meteorological parameters; and
- Conducting source emission evaluations with the portable analyzer.

The ambient air monitoring program receives funding from several sources to accomplish its monitoring objectives. The Title V program supports approximately 45% of the personnel costs in the program. In Calendar Year 2014, the Air Monitoring Branch accomplished the following Title V related activities:

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- Measured the ambient (outdoor) concentrations of the criteria air pollutants along with selected weather parameters. The monitoring network consists of 10, fixed-site monitoring locations;
- Conducted special studies to address citizen concerns, to evaluate the need to relocate or add additional fixed sites, or to measure the impact of a particular air pollution source;
- Routinely monitored selected hazardous air pollutants (air toxics) including metals, volatile organic compounds, and carbonyls; and
- Developed a Moveable Air Monitoring Platform (converted van/bus) to monitor for criteria pollutants, particles and select air toxics. This platform can be moved to the area of interest for special studies to address the concerns of the public.

### **Title V Small Business Ombudsman Activities**

The Small Business Assistance Program (SBAP) within the Department of Natural Resources and Environmental Control (DNREC) is a free service available to all new and existing small businesses located in the State of Delaware. The SBAP can help small businesses understand their environmental requirements and help them comply in the easiest and most effective way. The SBAP is a non-regulatory program. The Small Business Ombudsman (SBO) is part of the SBAP which was created through the Clean Air Act Amendments of 1990. The SBAP consists of 1.3 staff members. This includes the Ombudsman who manages the SBAP and an administrative assistant who is shared amongst several programs within DNREC. Please note that in Calendar Year 2014, the administrative assistant position became vacant at the end of November 2014, due to retirement.

The SBAP provides the following services:

- Serves as the small businesses initial contact within DNREC;
- Provides specific information for small businesses detailing how to comply with environmental regulations specific to their industry;
- Helps small businesses fill out permit applications, forms and other required paperwork;
- Conducts environmental assessments at small businesses and discusses compliance;
- Keeps abreast of developing regulations and current issues impacting small businesses and shares that information with small businesses through workshops, newsletters, trade association meetings, mailings, websites, and other methods;
- Provides feedback to the Division of Air Quality from small businesses;
- Helps resolve permitting and compliance disputes and cuts red tape;
- Seeks funding opportunities for special programs that benefit small businesses; and
- Serves as the manager of the Regulatory Advisory Service.

The Small Business Ombudsman also serves on the following committees:

- Title V Fee Committee (as needed)
  - Management Systems Review ad hoc committee
- Delaware Envirothon planning committee
- Division of Air Quality's Envirothon Project Team
- Office of the Secretary Recognition Committee

## **2014 Title V Fee Committee Status Report June 15, 2015**

In Calendar Year 2014 the Small Business Ombudsman conducted the following activities:

- Conducted five Regulatory Advisory Service (RAS) meetings.
- Attended the EPA's annual 507 program training held in Washington, D.C.
- Continued to coordinate the Department's response to a Governor's office request for a list of all licenses and permits potentially necessary for business operations. The information will be posted on a website to be used by persons interested in starting a business in Delaware.
- Incinerator Ban Applicability Status Decision Process: one application finalized with status decision issued February 19
- Participated in a variety of outreach events:
  - Statewide Business 2 Business Expo – sponsored by the Delaware State Chamber of Commerce and nine local chambers
  - Make-a-Splash Water Festival sponsored by DNREC's St. Jones Reserve
  - Delaware Envirothon - sponsored by the Delaware Association of Conservation Districts
  - Delaware State Fair – building sponsored by all of DNREC's divisions
  - New Castle County Annual Economic Development Luncheon (Keynote Speaker - US Senator Chris Coons)
- Began participating in the statewide County is Open for Business events held monthly in each county. Attended 10 events and made 43 contacts with business entrepreneurs interested in learning about potential permit and/or regulation requirements.
- Acted as the Department's Registrar and reviewed all regulations as they were proposed and went through the development process. A total of 12 Start Action Notices initiating the process were approved, and of those, 5 completed the process.
- Participated in the EPA's Region III 507 Program quarterly conference calls.
- Participated in the DNREC Division of Waste & Hazardous Substances Senior Staff Meetings to provide an update on SBAP activities (quarterly).
- Attended the Delaware Hispanic Commission's First Annual Latino Summit and participated in the Economic Development breakout session.
- Attended the Delaware Small Business Summit (Keynote Speaker – Gov. Markell)
- Communicated with representatives of local Chambers of Commerce, Trade Associations and the Delaware Economic Development office.
- Provided permit and compliance assistance through phone calls, e-mails, and site visits.
  - 1 compliance assistance site visit
  - 59 phone calls made and received
  - 391 emails sent and received

### **Other Special Accomplishments**

As reported last year, in 2012, the DAQ began developing a Strategic Plan that involved reviewing how the Division is currently operating and outlining goals for the future. This Strategic Plan was based upon the DAQ's vision and mission. The Strategic Plan used the "Balanced Scorecard" approach to review the DAQ's goals from four separate perspectives:

- The Customer Perspective;

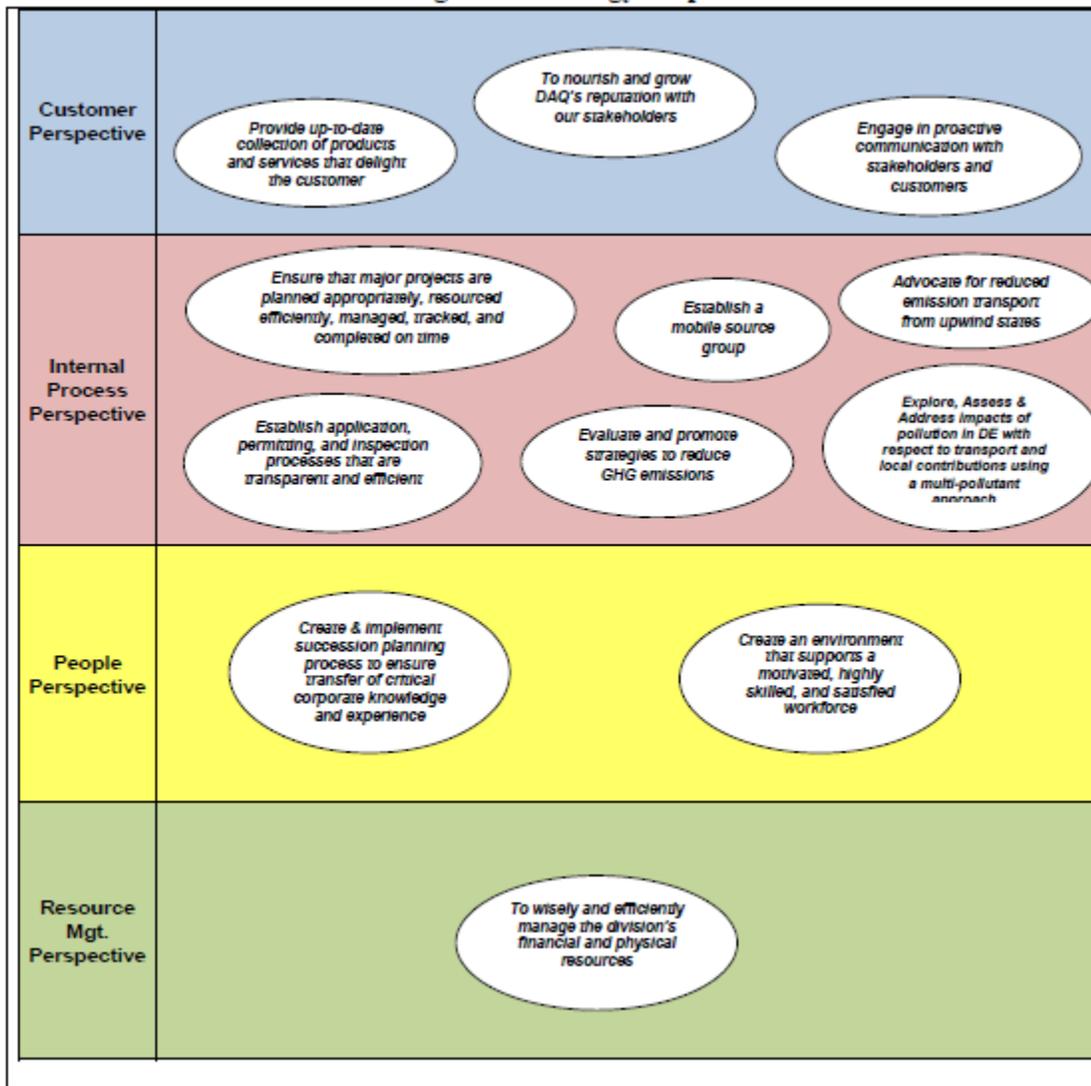
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- The Resource Management Perspective;
- The Internal Processes Perspective; and
- The People Perspective.

The Balanced Scorecard approach resulted in a strategy map outlining the DAQ’s goals. This strategy map is shown in Figure 2.

To reach the goals outlined on the strategy map, the DAQ developed Air Action Plans for the individual activities required to achieve these goals. Each Air Action Plan includes a goal statement, objectives, a schedule of activities that must be conducted to complete the Air Action Plan and performance measures to ensure that the Air Action Plans are being completed. A comprehensive list of Air Action Plans was identified in the 2013 Annual TV Committee Report.

**Figure 2: Strategy Map**



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In 2014, the DAQ continued to execute its strategy by identifying division key priorities.. These are listed and detailed in Table 6 below. Future plans for 2015 include developing a list of goals for each priority. Actions plans will be created and implemented in sequence relative to priority significance and available resources.

**Table 6: DAQ Priorities**

<b>Priority Name</b>	<b>Description</b>
Air Pollution Transport	Cross state air pollution is managed so that we are able to meet and maintain healthy air quality for Delaware citizens
Climate Change	We will continue to increase public awareness of Delaware’s vulnerabilities and implement proactive projects to address mitigation, resiliency and adaptation through coordinated efforts with stakeholders and other agencies.
Communities	We ensure that no communities in Delaware are subjected to disparate environmental impacts.
Improving Manufacturing Efficiencies	Existing facilities are able to operate in a manner that will reduce costs, improve air quality, and improve the overall efficiency without unnecessary regulatory burden.
Mobile Sources	Ensure that multi-modal transportation options are widely available to all Delawareans so that Vehicle Miles Travelled are reduced year after year with declining reliance on cars. The emissions from the transportation sector decline with the use of cleaner fuels and improved technologies.
Workforce Development	Our work environment supports a motivated, highly skilled, and satisfied workforce.

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**2014 Special Accomplishments Continued:**

In addition to the standard activities described above, the Division of Air Quality also participates in many special projects. These special projects may or may not be Title V related. However, the results of these projects often impact Title V activities. In calendar year 2014, the Division of Air Quality participated in the following special activities:

- Participated in the DAQ management and administrative activities including:
  - Continued workforce and succession planning activities to address the long-term management of our workforce demographics (retirement eligible population) and continuing budget cuts;
  - Updated the Division Continuity of Operations Plan (COOP) and participated in a Department level COOP exercise. The plan depicts specific actions required to continue critical operations and services in the event of an emergency that may render our primary operating facilities unusable.
  - Continued work with the Division Safety Council. The Safety Council puts safety in the hands of employees. This team of volunteers is creating a culture of safety and leading the Division in all efforts to Promote, Prevent, and Protect our people and resources.
- Participated in outreach activities including:
  - For a fourth year, the DAQ worked with the Delaware Envirothon Committee supporting high school level environmental education. Since 2012, Air Quality has been included as a key topic/study area for the Delaware Envirothon Competitions. The Division of Air Quality is a Gold Sponsor for the Envirothon program supporting the Delaware and International Envirothon Competitions;
  - Educational programs and public outreach events addressing energy conservation;
  - The Delaware State Fair Display highlighting the Air Quality Index (AQI) notification and awareness program;
  - Delaware Coast Day, again targeting the AQI system;
  - Educational programs or public outreach events addressing school-related anti-idling requirements;
  - Educational information and public outreach on open-burning restrictions;
  - Air Quality Awareness outreach; and
  - Asthma awareness outreach.
- Participated in Cancer Consortia activities;
- Continued to provide compliance assistance and oversight to auto body shops, dry cleaners, and gasoline delivery vessels for state and federal air regulations;
- Continued to track and provide oversight on vapor recovery tests of regulated gasoline dispensing facilities;
- Provided advanced modeling support to the Engineering & Compliance Branch when additional modeling was needed to issue permits;
- Mobile Source Activities including:
  - Monthly participation with Metropolitan Planning Organizations (WILMAPCO and Dover/Kent MPO) Technical Advisory Committee;
  - Meeting with the Transportation Conformity Inter-Agency Consultation Workgroup to discuss SIP planning for PM<sub>2.5</sub> and Ozone Attainment;

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- Participated in Vehicle Inspection and Maintenance Activities;
- Development of mobile budgets for PM2.5;
- Conducted a Phase II Remote Sensing Study;
- Participated on the Clean Air Council Delaware Diesel Difference;
- Continued implementation and evaluation of a new vehicle remote sensing program to provide data to 1) evaluate the effectiveness of our vehicle inspection and maintenance program, and 2) develop strategies to further reduce mobile source related emissions; and
- Continued to identify and quantify emissions associated with new residential development in Delaware through the PLUS Process.
  - Provided support to the Coastal Zone program for conducting technical reviews of Coastal Zone applications;
  - Supported the Manufacturing Efficiency Grants Program;
  - Coordinated with the Energy and Climate Division on energy policy issues;
  - Procured and development efforts for a Moveable Air Monitoring Platform (MAMP). This moveable platform (Converted Van) will be used to monitor for criteria pollutants, particles and select air toxic's in areas of interest for special studies to address the concerns of the public. Serving a dual purpose, the exterior of the van's pictorial paint scheme communicates the DAQ Mission and highlights our many Air Quality challenges. The van has been used in several outreach events (State Fair, Coast Day) as an educational and communication tool; and
  - Working with the Delaware Air Quality Partnership, the DAQ supported the development of "TROPO" the life-size mascot and outreach project. The outreach program for youth and their families relates to clean air and how it impacts their health. Tropo will be visiting Delaware schools and community centers to educate kids and encouraging them to improve air quality. Named Tropo, for the troposphere, the lowest portion of the Earth's atmosphere that supports life on Earth.

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**Source Hours for the Previous Calendar Year**

The 2012-2014 Title V fee schedule was based upon two components, the Base Fee and the User Fee. The Base Fee was calculated from the total hours spent working on the facility for the previous five years. The User Fee was calculated from the facility's most recent baseline year emission inventory report (2008). The Title V Fee Schedule for Calendar Years 2012 through 2014 is provided in Table 6 below:

**Table 6: Calendar Year 2012 through 2014 Title V Fee Schedule**

<b>Fee Type</b>	<b>Category</b>	<b>Category Description</b>	<b>2012-2014 Fee</b>
Base Fee	A	> 6,000 Hours	\$243,000
Base Fee	B	5,001 – 6,000 Hours	\$95,000
Base Fee	C	4,001 – 5,000 Hours	\$82,000
Base Fee	D	3,001 – 4,000 Hours	\$71,000
Base Fee	E	2,001 – 3,000 Hours	\$50,000
Base Fee	F	1,501 – 2,000 Hours	\$37,000
Base Fee	G	1,001 – 1,500 Hours	\$25,000
Base Fee	H	667 – 1,000 Hours	\$16,000
Base Fee	I	334 – 666 Hours	\$8,000
Base Fee	J	0 – 333 Hours	\$5,000
Base Fee	K	New Sources that Have Applied for a Permit After January 1, 2011	\$6,000
User Fee	1	> 2,000 Tons	\$175,000
User Fee	2	1,001 – 2,000 Tons	\$50,000
User Fee	3	501 – 1,000 Tons	\$30,000
User Fee	4	201 – 500 Tons	\$14,000
User Fee	5	101 – 200 Tons	\$6,000
User Fee	6	51 – 100 Tons	\$4,500
User Fee	7	26 – 50 Tons	\$3,000
User Fee	8	0 – 25 Tons	\$2,000
User Fee	9	New Sources that Have Applied for a Permit After January 1, 2011	\$3,000

The Base Fee for each facility is obtained by creating reports from the Division of Air Quality timekeeping system. For a detailed description of how a facility's Base Fee was calculated, please contact Paul Foster at (302) 323-4542.

A five year history of hours spent working on each Title V and Synthetic Minor Facility is presented in Appendix A in order to help facilities track the hours spent working on their respective facility. Each Title V and Synthetic Minor facility's 2011 Base Year Emission Inventory is also included in the Appendix.

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**Fee Structure Calendar Years 2015-2017**

During January-June 2014, the Title V Committee reviewed and updated the 2015-2017 fee structure. The supporting legislation (HB 374) was passed by the House on June 17, 2014, was passed by the Senate on June 26, 2014, and was signed by the Governor on September 11, 2014.

The new Base Fee is calculated from the total hours expended on each facility for the five year period from 2009-2013. The User Fee is calculated from the facility's most recent baseline year emission inventory report (2011). The Title V Fee Schedule for Calendar Years 2015 through 2017 is provided in Table 7 below:

**Table 7: Calendar Year 2015 through 2017 Title V Fee Schedule**

<b>Fee Type</b>	<b>Category</b>	<b>Category Description</b>	<b>2015 - 2017 Fees</b>
Base Fee	A	> 6,000 Hours	\$277,020
Base Fee	B	5,001 – 6,000 Hours	\$108,300
Base Fee	C	4,001 – 5,000 Hours	\$93,480
Base Fee	D	3,001 – 4,000 Hours	\$80,940
Base Fee	E	2,001 – 3,000 Hours	\$57,000
Base Fee	F	1,501 – 2,000 Hours	\$42,180
Base Fee	G	1,001 – 1,500 Hours	\$28,500
Base Fee	H	667 – 1,000 Hours	\$18,240
Base Fee	I	334 – 666 Hours	\$9,120
Base Fee	J	0 – 333 Hours	\$5,700
Base Fee	K	New Sources that have applied for a permit after January 1, 2014	\$6,840
User Fee	1	> 2,000 Tons	\$350,000
User Fee	2	1,001 – 2,000 Tons	\$100,000
User Fee	3	501 – 1,000 Tons	\$60,000
User Fee	4	201 – 500 Tons	\$28,000
User Fee	5	101 – 200 Tons	\$12,000
User Fee	6	51 – 100 Tons	\$9,000
User Fee	7	26 – 50 Tons	\$6,000
User Fee	8	6 – 25 Tons	\$4,100
User Fee	9	0 – 5 Tons	\$3,950
User Fee	10	New Sources that have applied for a permit after January 1, 2014	\$6,000

**User Fee Credit Program**

As part of the 2015-2017 Legislation, a user fee credit program was established for calendar years 2015, 2016, 2017, 2018, 2019, and 2020. The Department will grant sources with an active Title V or Synthetic Minor permit on or before December 31, 2014, and without delinquent accounts, annual user fee credits. The credit shall be determined by the categorical status of a qualifying

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facility in calendar year 2014. User fee credits for 2015, 2016, and 2017 will be calculated as a percentage of the total Program annual fee reduction amount of \$300,000. As described in Table 8, eligible facilities will be granted the following fee credit percentages by User Fee category:

**Table 8: User Fee Credits**

<b>User Fee Category</b>	<b>Fee Credit Percent</b>	<b>Fee Credit</b>
1	Will receive a credit of 26.25% of \$300,000	\$78,750
2	Will receive a credit of 7.50% of \$300,000	\$22,500
3	Will receive a credit of 4.50% of \$300,000	\$13,500
4	Will receive a credit of 2.10% of \$300,000	\$6,300
5	Will receive a credit of 0.90% of \$300,000	\$2,700
6	Will receive a credit of 0.68% of \$300,000	\$2,040
7	Will receive a credit of 0.45% of \$300,000	\$1,350
8	Will receive a credit of 0.30% of \$300,000	\$900
9	Will receive a credit of 0.30% of \$300,000	\$900
10	Will receive a credit of 0%.	\$0.00

The 2018, 2019, and 2020 total Program annual fee reduction amount will be reviewed and adjusted by the Title V Operating Permit Program Advisory Committee as part of the 2018 through 2020 fee negotiation cycle. Fee reduction credit will be terminated on December 31, 2020.

## Appendix A: Facility Hours and Emissions History

Company Name	Status	2014 Hours	2013 Hours	2012 Hours	2011 Hours	2010 Hours	2011 NO <sub>x</sub> Emissions (TPY)	2011 PM <sub>10</sub> Emissions (TPY)	2011 SO <sub>2</sub> Emissions (TPY)	2011 VOC Emissions (TPY)	2011 Total Emissions
3D Fabrications	SM	0	20	16	2	17.5					
A.I. DuPont Hospital for Children	TV	218	200.5	336.25	444	306.5	6.24	0.33	0.95	0.60	<b>8.12</b>
Aero Technologies LLC	TV	57	111	185	51.5	110	0.11	0.01	0.00	1.78	<b>1.90</b>
Air Liquide Industrial US LP	TV	7.5	72	358.5	50.25	15.5	0.00	0.00	0.00	0.06	<b>0.06</b>
Allens Harim Foods, LLC	SM	0	20	42.5	67.25	17.5	2.09	0.01	0.01	0.11	<b>2.22</b>
Ameresco Delaware Energy - Central	TV	207	96.25	92.5	15	0	23.50	6.40	8.50	3.91	<b>42.31</b>
Ameresco Delaware Energy - Southern	TV	328.5	286.5	123	45	0	38.90	11.90	34.40	6.17	<b>91.37</b>
American Air Liquide - Glasgow	SM	13.5	32.5	128.75	123.5	9					
Amtrak Wilmington	TV	94.75	245	158.25	36	134	3.86	0.30	0.02	2.42	<b>6.60</b>
Arlon, Inc.	SM	192.5	114.5	16.5	41.25	178					<b>0.00</b>
Astra Zeneca - Newark	SM	195	44.5	81	16	23.75					
AstraZeneca Pharmaceuticals, LLC	TV	397.5	226	218.25	119	81	6.85	0.16	0.15	0.51	<b>7.67</b>
BASF Corporation	TV	390.5	86.5	839	312.25	346.75	10.51	2.06	0.17	24.01	<b>36.75</b>
Bayhealth - Milford Memorial Hospital	SM	28.5	71	44.5	30	76.25					
Bayhealth Medical Center - Kent General Hospital	SM	64	57.5	107.75	83.75	196.75	2.52	0.03	0.03	0.24	<b>2.82</b>
Bilcare Research	SM	7.5	0	88.5	57.5	71					
Bracebridge Corp (Bracebridge)	SM	0.5	27.75	45.25	35.75	8					
Bracebridge Corp (Christiana)	SM	10.5	0	13.5	44	17.5					
Bracebridge Corp (Deerfield)	SM	0	0	6.5	44.5	11.5					
Calpine - Christiana	TV	98.75	15.5	135.5	37	62	0.93	0.17	0.42	0.00	<b>1.52</b>
Calpine - Delaware City	TV	82.75	15	64.75	7	11.5	0.17	0.04	0.09	0.00	<b>0.30</b>
Calpine - Edge Moor	TV	370	498.5	676.75	244.25	1008.5	346.24	4.52	83.11	25.02	<b>458.89</b>
Calpine - Hay Road	TV	547.75	437.75	341	292.5	590.5	601.80	5.15	11.20	33.46	<b>651.61</b>
Calpine - West	TV	54.75	16.75	104	11	29	0.40	0.10	0.28	0.00	<b>0.78</b>

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Company Name	Status	2014 Hours	2013 Hours	2012 Hours	2011 Hours	2010 Hours	2011 NO <sub>x</sub> Emissions (TPY)	2011 PM <sub>10</sub> Emissions (TPY)	2011 SO <sub>2</sub> Emissions (TPY)	2011 VOC Emissions (TPY)	2011 Total Emissions
Christiana Care - Christiana Hospital	TV	189.5	405.5	189.5	187.75	14	14.17	0.09	0.13	0.80	<b>15.19</b>
Christiana Care - Wilmington Hospital	SM	15.75	90	22.5	0	30.75					
Christiana Materials, Inc.	SM	107	40	167	55.5	106					
City of Dover - McKee Run	TV	307.5	158.5	100.25	75.5	94.25	43.92	0.11	0.30	0.75	<b>45.08</b>
City of Dover - VanSant	TV	124.75	95.5	68.5	42.25	47.5	3.01	0.12	0.50	0.03	<b>3.66</b>
Clean Earth of New Castle	TV	281.75	128.75	227.75	151.5	310.5	19.63	5.34	6.81	3.32	<b>35.10</b>
Coastal Coatings	SM	2.5	10	0	1.5	22					
Coker Concrete	SM	58.25	122.75	0	9.5	1					
Computer Sciences Corp	SM	1.5	35.5	0	18.5	0.5					
Conectiv Thermal Systems	SM	5.5	6	36	35	78.5					
Contractors Materials LLC	SM	0	0	55.5	58	44					
Corrado Construction	SM	2	39.5	29	5	35.25					
Croda Inc.	TV	485.75	457	354.75	519.5	303.25	24.29	1.83	0.12	4.49	<b>30.73</b>
Dana Railcar Services, Inc.	SM	4	56	58.5	0	6					
Dassault Falcon Jet	TV	118.75	351.25	91	117.25	107.25	1.07	0.01	0.01	13.52	<b>14.61</b>
David A Bramble Inc./Seaford Asphalt Plt (ICM is Leasing)	SM	3.5	2.5	23	2	59					
Delaware City Refining Company	TV	3032	3108	3517.25	2479.75	3182	1071.52	238.01	333.17	302.56	<b>1945.26</b>
Delaware City Refining Company - Marketing Terminal	TV	0	126	0	125	107.75	0.02	0.00	0.00	18.00	<b>18.02</b>
Delaware Hospital for the Chronically Ill	SM	32.25	102.75	144.75	45	82.25					
Delaware Park	SM	0	0	7	0.5	84.25					
Delaware Recyclable Products, Inc.	SM	0.75	78.5	33.75	13.5	91.75					
Delaware Solid Waste Authority, Cherry Island	TV	449.5	141.25	392.75	646.75	360.75	1.26	0.61	3.32	7.16	<b>12.35</b>
Delaware Solid Waste Authority, Sandtown	TV	187.75	143.5	118.75	114	291.75	4.80	2.00	7.70	1.48	<b>15.98</b>
Delaware Solid Waste Authority, Southern	TV	440	138	228	136.25	206	0.80	0.30	4.90	4.56	<b>10.56</b>

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Company Name	Status	2014 Hours	2013 Hours	2012 Hours	2011 Hours	2010 Hours	2011 NO <sub>x</sub> Emissions (TPY)	2011 PM <sub>10</sub> Emissions (TPY)	2011 SO <sub>2</sub> Emissions (TPY)	2011 VOC Emissions (TPY)	2011 Total Emissions
Delaware State University	TV	243.75	352	257.25	139.5	68.5	3.45	0.04	0.30	0.18	<b>3.97</b>
Department of Corrections - Howard R. Young	SM	27.5	27.5	18	0	27.5					
Department of Corrections - James T. Vaughn	TV	56	166	235.25	126.5	102.25	4.65	0.07	0.08	0.49	<b>5.29</b>
Department of Veterans Affairs Medical Center	TV	49.25	163	275.75	156	57.5	3.55	0.03	0.05	0.61	<b>4.24</b>
Diamond Materials LLC	SM	108	143	5.5	37.5	67.5	4.44	4.66	0.46	3.29	<b>12.85</b>
Diamond Materials LLC - Roving Crusher	SM	90	76	58	4.5	72.5					
Dover Air Force Base	TV	270.75	697.25	493.5	568.25	232.6	23.48	0.67	0.96	22.31	<b>47.42</b>
Dover Downs	SM	32.5	22.5	2	36	175.25					
DuPont Chestnut Run	TV	157.75	277.5	258	193.25	206.5	48.31	7.03	66.97	2.60	<b>124.91</b>
DuPont EdgeMoor	TV	267	378.25	499.5	533.5	396.25	27.46	22.20	18.00	99.40	<b>167.06</b>
DuPont Experimental Station	TV	576.5	627	451.25	586.25	502.25	179.76	27.47	247.73	8.26	<b>463.22</b>
DuPont Red Lion	TV	147.5	97.5	142.5	257.5	48.25	23.11	0.70	45.51	1.82	<b>71.14</b>
DuPont Stine Haskell	TV	240.5	57.5	254.5	78.5	123	9.17	0.53	5.10	2.70	<b>17.50</b>
DuPont Wilmington Office Building	TV	78.5	161.5	146	67	166.5	5.70	0.09	0.69	0.30	<b>6.78</b>
Eastern Shore Natural Gas, Bridgeville	SM	20.25	74.25	23.5	6.75	16					
Eastern Shore Natural Gas, Delaware City	SM	73	49.5	116.25	26	53.5					
Edgemoor Materials, Inc.	SM	5	0	268.25	0	11.5					
Evrax Claymont Steel	TV	77.75	1225.25	697	1338.5	1183.75	165.85	68.14	42.21	69.23	<b>345.43</b>
First State Investors	SM	27.5	0	19	0	14.5					
Fisker Automotive	TV	0	0	47.5	351.5	0	11.33	0.05	0.06	0.55	<b>11.99</b>
FMC Corporation	TV	601.25	717	656	97.25	50.5	31.38	19.05	0.19	2.97	<b>53.59</b>
Formosa Plastics Corporation	TV	335.75	393	248.5	195.75	168.75	31.95	19.21	0.22	59.45	<b>110.83</b>
GE Energy Ceramics Composites	SM	305.25	133.5	163.5	14	10					
Handy Tube Corp	TV	60	323	47.5	73	44.25	0.00	0.00	0.00	6.40	<b>6.40</b>
Hanesbrand, Inc.	SM	0	0	42.5	0	0					

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Hanover Foods	TV	182.5	89	257	28.25	36.5	2.63	0.04	0.46	0.13	<b>3.26</b>
Harris Manufacturing, Inc.	TV	30.5	39.5	37	144.25	18.75	0.00	0.00	0.00	4.94	<b>4.94</b>
Harris Manufacturing, Inc. – Glenwood	SM	18	26	9	81	3.5					
Hercules Inc. Research Center	SM	168	371.25	108.5	214.5	263.25	1.94	0.07	0.05	0.84	<b>2.90</b>
Hirsh Industries, Inc.	TV	43	75.5	33.25	171	231.75	1.25	0.01	0.01	18.26	<b>19.53</b>
Honeywell International Inc. (WWTP)	SM	39.25	29.5	0	0	0					
ICM of Delaware Bay Road	SM	150.25	104.75	320.5	563	170					
ICM of Delaware Georgetown	SM	130.25	39	50.5	73.75	40.75					
IKO Production Wilmington, Inc.	SM	101	186.25	88.75	64.5	497.25					
ILC Dover, LP	SM	28	15	40.5	14.5	103	0.00	0.00	0.00	3.33	<b>3.33</b>
Indian River Power LLC	TV	356.25	553	599.25	971.5	618.25	2352.47	663.74	9194.44	17.31	<b>12227.96</b>
International Petroleum Corp	SM	2	10.25	31.75	15	102					
JP Morgan Chase Governor Printz	SM	0.5	0	0	0	0					
JP Morgan Chase-Bear Christiana Road	SM	20	4	0	0	0					
JP Morgan Chase-Morgan Christiana Ctr	SM	0	4.5	90	0	9.5					
Justin Tanks, LLC	TV	75	62.5	79.75	55.5	23.25	0.18	0.02	0.22	5.90	<b>6.32</b>
Kraft Foods North America Inc. Dover	SM	0	0	119.5	99.5	6					
Kuehne Company	TV	92	148	137	331	453	2.38	0.01	0.01	0.07	<b>2.47</b>
Linde, LLC (BOC Gases)	SM	0	0	89.5	60.5	245					
Magco, Inc.	SM	0	0	63.25	0	14.5					
Magellan Midstream Partners	TV	202.25	56.5	332.75	457.25	517.75	1.58	0.18	2.85	38.53	<b>43.14</b>
McConnel Johnson, North Market	SM	0	37.25	14.75	0	8					
Medal, L.P. Air Liquide	SM	29.5	98.5	49.5	70.5	4					
Metal Masters Foodservice Equipment Corp.	SM	2	23	13	0	45.5					
Micropore	SM	77.5	12	8.5	13	98.5	0.00	0.00	0.00	2.50	<b>2.50</b>

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Company Name	Status	2014 Hours	2013 Hours	2012 Hours	2011 Hours	2010 Hours	2011 NO <sub>x</sub> Emissions (TPY)	2011 PM <sub>10</sub> Emissions (TPY)	2011 SO <sub>2</sub> Emissions (TPY)	2011 VOC Emissions (TPY)	2011 Total Emissions
Middletown Materials LLC	SM	111	186.5	38	21.5	41					
Mike Davidson Excavating	SM	3	75	77.75	87	44					
Nanticoke Memorial Hospital	SM	35	22.5	32.5	22	27.75					
Noramco Inc.	TV	220.5	24	43	28	54					
NRG Dover Energy Center	TV	629.5	407.25	193.5	496.75	320.25	273.40	75.54	1274.11	2.05	<b>1625.10</b>
Orient Corporation of America	SM	0	42.75	97	159.25	243.25					
OSG America	TV	65.5	319	321.75	153.5	243.25	0.07	0.00	0.00	764.35	<b>764.42</b>
Pat's Aircraft LLC	SM	67.5	6.5	68	250.75	95					
Perdue Agri-recycle LLC	SM	0	62.75	46.5	87	55.5	15.57	5.19	0.00	0.01	<b>20.77</b>
Perdue Farms Inc. - Georgetown	TV	55.75	88.5	61	169.25	115.5	7.74	0.54	8.07	0.33	<b>16.68</b>
Perdue Farms Inc. - Milford	SM	0.75	67	10.5	19.75	26.75	5.58	0.04	0.14	0.29	<b>6.05</b>
Perdue Grain & Oilseed LLC (Bridgeville)	SM	16.75	148.5	26.25	28.25	73.5	5.23	33.87	1.48	0.28	<b>40.86</b>
Polymer Technologies	SM	7	119	127.5	0	0					
Port Contractors	SM	69.75	57.5	5	206.5	88.25					
Prince Minerals	SM	58	6.5	26	143.75	133					
Printpack, Inc.	TV	12.5	59	80.5	192.5	259.75	3.12	0.02	0.02	44.34	<b>47.50</b>
Proctor & Gamble, Dover Wipes	SM	0	0	35	54	0.5					
Pure Green Industries, Inc. Refined Products Co. (formerly PGR Holdings)	SM	115.25	15	4	18.5	102.5					
R&M Recycling	SM	36.5	32	0	0	0					
River Asphalt	SM	11.75	196.5	39.25	17.5	16					
River II LLC	SM	86.5	72.75	189	112.25	66					
Rohm and Haas Electronic Materials	TV	313.5	210	137	185.75	286.5	3.53	0.42	0.05	6.93	<b>10.93</b>
Sea Watch International LTD	SM	20.5	20.5	19.5	25.5	19.5					
Siemens Medical Solutions	SM	256.5	92.5	109	0.75	32.5					<b>0.00</b>
SPI Pharma Inc.	SM	47.5	117.5	79.25	184.25	90.25					
St. Francis Hospital	SM	66.5	40.5	167	0	0					

Company Name	Status	2014 Hours	2013 Hours	2012 Hours	2011 Hours	2010 Hours	2011 NO <sub>x</sub> Emissions (TPY)	2011 PM <sub>10</sub> Emissions (TPY)	2011 SO <sub>2</sub> Emissions (TPY)	2011 VOC Emissions (TPY)	2011 Total Emissions
Sunoco	TV	168	99.25	95.25	373	482.5	53.60	29.99	23.67	46.07	<b>153.33</b>
The News Journal	SM	8	41.5	69	8.5	15					
Transflo Terminal Services Inc.	SM	0	41.5	49.75	0	40.25					
Tri-County Materials	SM	69.75	46.5	0	0	0					
United Water Delaware Inc - Bellevue	SM	0	0	0	0	0					
United Water Delaware Inc - Stanton	SM	7.5	0	0	0	0					
University of Delaware, Newark	TV	214	321.5	378	489.5	264.25	19.81	0.32	0.23	3.88	<b>24.24</b>
Verisign	SM	0	0	57	0	12					
Warren Beasley Power Station	TV	193.75	307.5	336.25	428.5	193	1.73	0.52	0.07	4.27	<b>6.59</b>
Wilmington WWTP (Veolia Water)	TV	85.25	368.25	104	64.25	31.5	4.38	0.09	0.65	0.88	<b>6.00</b>
WL Gore and Associates	SM	20	39	26	10	27					