



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
Dover, Delaware 19901

C. BRYSON
SECRETARY

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

ORDER NO: 75-A-4

Date of Issuance: August 5, 1975

RE: Proposed Revision to State Implementation Plan Incorporating
U.S. District Court Consent Order.

A public hearing was held on July 8, 1975 in the Highway Administration Building, Dover, Delaware to consider a proposed revision to the State of Delaware Implementation Plan for Attainment and Maintenance of National Ambient Air Quality Standards based upon the Consent Order submitted to the U.S. District Court in the case of Getty Oil Company (Eastern Operations), Inc. and Delmarva Power and Light Company, v. John C. Bryson, Secretary, et al, C.A. #74-192.

FINDINGS OF FACT

The following findings of fact are made based on the record of the public hearing:

1. The revision was proposed pursuant to Section 110(a)(3) of the Clean Air Act and incorporates the schedule by which Getty Oil Company (Eastern Operations), Inc. (hereinafter Getty) and Delmarva Power and Light Company (hereinafter Delmarva) will cause the power generating station at Delaware City, Delaware, to achieve compliance with the Department's Regulation IV, Section 2.1, Regulation VIII, Section 2.1 and Regulation XIV, Section 2.1 of the Department's Regulations Governing the Control of Air Pollution no later than June 1, 1980.
2. The applicable public hearing requirements of Section 51.4, 40 CFR 51 have been satisfied.
3. The revision will not interfere with the attainment or maintenance of the Federal or State of Delaware primary or secondary standards for sulfur oxides and total suspended particulate matter.
4. The National and State primary and secondary ambient air quality standards for sulfur oxide are being attained at each of the 16 stations throughout the State of Delaware, including the 13 stations in New Castle County which is the Delaware portion of the Metropolitan Philadelphia Interstate Air Quality Control Region. The primary standards were attained within the period of three years following approval of Delaware's Implementation Plan by the United States Environmental Protection Agency on September 22, 1972.

5. The National and State primary and secondary air quality standards for total suspended particulates have been attained throughout the State of Delaware except for two areas in the City of Wilmington where their attainment is prevented by specific local conditions which are being brought under control, rather than by emissions from the Delaware City Power Station.
6. The impact of the Delaware City Power Station on ground level concentrations of particulates and sulfur oxides in the State of Delaware and in the Metropolitan Philadelphia Interstate AQCR is deemed to be slight.
7. The State Implementation Plan provides for a ten year period of growth in sulfur oxide sources and a 20% increase in particulate emissions. Midway through the ten year period 66% of the sulfur oxide growth allowance exists and nearly all of the particulate growth allowance is available.
8. The technology currently available to permit the Delaware City Power Station to be in compliance with Regulation VIII through utilization of Section 3 has the potential for creating other environmental impacts as compared to compliance under the revision.
9. The allowance of emissions having an opacity in excess of the requirements of Regulation XIV, Section 2.1 will not adversely affect public health or welfare.
10. Any particulate emission problem that may exist at the power station will be solved by the development of the technology which is the subject of the revision. Because of the uncertainty as to the ultimate solution to the sulfur problem, the cost and time needed for any interim particulate abatement program, and the lack of demonstrated need for any such program, it is technologically and economically impractical to adopt an interim particulate abatement program.
11. To the extent that the increased use of oil as an energy source conflicts with national policy, where energy conservation measures can be implemented consistent with environmental demands, the revision is a reasonable approach to the national energy problem.
12. The proposed revision establishes a practical and reasonable timetable and schedule for an orderly engineering study of the various developing technologies leading to the ultimate selection and installation of a facility which will reduce the sulfur in the fuel and/or the sulfur dioxide emissions to levels permissible under Regulation VIII, while at the same time saving badly needed fuel oil.

ORDER

In consideration of the foregoing findings and in accordance with 7 Del. C., Chapter 60, it is hereby ordered that the Consent Order entered into between the Department of Natural Resources and Environmental Control and Getty Oil Company (Eastern Operations), Inc. and Delmarva Power and Light Company be adopted by the State as a revision of the Delaware Implementation Plan for the Attainment and Maintenance of National Ambient Air Quality Standards subject to the approval of the Administrator of the Environmental Protection Agency.

REASONS

1. The revision is designed to bring Getty and Delmarva into compliance with the Regulations Governing the Control of Air Pollution by the development and utilization of a technology which will provide for maximum reduction of sulfur oxide emissions from the facility.
2. The State Implementation Plan requires that Getty and Delmarva comply with the Department's regulations. Allowances in the plan for new sources of particulate matter and sulfur oxides require that emissions of these contaminants from the Delaware City power station comply with regulatory requirements. The revision does not prevent new sources from locating in Delaware during the period in which the subject companies are attaining compliance.
3. The revision furthers the purposes of 7 Del. C., Chapter 60.
4. The revision will not prevent the attainment of National and State primary and secondary standards for sulfur oxide or total suspended particulate, nor interfere with the maintenance thereof.
5. There is no interim measure deemed necessary from an air quality standpoint, nor is any interim measure deemed economically or technologically practical as compared to compliance in accordance with this revision.

SO ORDERED THIS 5th DAY OF August, 1975.

Department of Natural Resources and
Environmental Control

By: John C. Bryson
John C. Bryson, Secretary

