

Secretary's Order No.: **2005-A-0019**

RE: Regarding: Proposed Revision to the
State Implementation Plan (SIP)
For the Attainment of the National Ambient Air Quality
Standard for Ground-Level Ozone: New Regulation No. 45:
Excessive Idling of Heavy Duty Vehicles

Date of Issuance: March 15, 2005

Effective Date of the Amendment: April 11, 2005

I. Background

A public hearing was held on January 25, 2005 in the Priscilla Building Conference Room, 156 South State Street, Dover, Delaware, to receive comment on a proposed revision to the State Implementation Plan (SIP) for the Attainment and Maintenance of the National Air Quality Standards for Ozone. The proposed revision will contain a new regulation, Regulation No. 45: *Excessive Idling of Heavy Duty Vehicles*.

Delaware has been designated moderate non-attainment for the eight hour ozone standard. In order to curb air emissions that adversely impact air quality in the State, the Department is proposing to regulate

the engine idling time for the operation of most heavy-duty vehicles having a gross vehicle weight rating of over 8,500 pounds, regardless of the state in which the vehicle is registered. This regulation will continue the efforts by the State to reduce the emissions of NOx (nitrogen oxides), and will also assist in the reduction of particulate emissions and other tailpipe pollutants from vehicles operated in Delaware.

A workshop was held regarding this proposed new regulation on January 4, 2005, in order to help provide a draft of the proposed regulation before the time of the public hearing, and to provide an opportunity for the public to ask questions on this proposal. Written comments which suggested changes to the proposed new regulation were received by the Department during both the pre-hearing phase and at the time of the hearing from two members of the public. After the hearing, the Department performed an evaluation of the evidence entered into the record in this matter. Thereafter, the Hearing Officer prepared her report and recommendation in the form of a Report to the Secretary dated March 10, 2005, and that Report is expressly incorporated herein by reference. Proper notice of the hearing was provided, as required by law.

II. Findings and Conclusions

All of the findings and conclusions contained in the Hearing Officer's Report dated March 10, 2005 are expressly incorporated herein and explicitly adopted as the findings and conclusions of the Secretary.

III. Order

In view of the above, I hereby order that the proposed regulatory revision be promulgated in final form, in accordance with the customary and established rule-making procedure required by law and as recommended in the Hearing Officer's Report.

IV. Reasons

Adopting the proposed SIP revision and addition Regulation No. 45 – *Excessive Idling of Heavy Duty Vehicles* - will be beneficial to the State of Delaware, in that the same will enable the State of Delaware to improve and/or enhance the overall performance of the Air Quality Management Section of the Division of Air and Waste Management. Furthermore, Regulation No. 45 will continue the efforts by the State of Delaware to reduce the emissions of NOx and assist in the reduction of particulate emissions and other tailpipe pollutants from vehicles operated in Delaware.

/s/ John A. Hughes
John A. Hughes
Secretary