

CHAPTER 110  
FORMERLY  
HOUSE BILL NO. 186

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE CLEAN AIR ACT TITLE V OPERATING PERMIT PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend § 6097(b), Title 7 of the Delaware Code by deleting the “}” symbol in the second sentence of this subsection.

Section 2. Amend § 6097(c), Title 7 of the Delaware Code in the first sentence by deleting the years “2009, 2010, and 2011” and substituting in lieu thereof “2012, 2013, and 2014”.

Section 3. Amend § 6097(c), Title 7 of the Delaware Code in the third sentence by deleting the year “2005” and substituting in lieu thereof “2008”.

Section 4. Amend § 6097(c), Title 7 of the Delaware Code in the third sentence by deleting the date “December 31, 2008” and substituting in lieu thereof “December 31, 2011”.

Section 5. Amend § 6097(d), Title 7 of the Delaware Code by deleting the second paragraph of this subsection, and the categories listed, and substituting in lieu thereof the following:

“In calendar years 2012, 2013, and 2014 the Department will place each subject source into 1 of the following 11 categories:

Category A Greater than 6,000 hours will pay \$243,000

Category B from 5,001 to 6,000 hours will pay \$95,000

Category C from 4,001 to 5,000 hours will pay \$82,000

Category D from 3,001 to 4,000 hours will pay \$71,000

Category E from 2,001 to 3,000 hours will pay \$50,000

Category F from 1,501 to 2,000 hours will pay \$37,000

Category G from 1,001 to 1,500 hours will pay \$25,000

Category H from 667 to 1,000 hours will pay \$16,000

Category I from 334 to 666 hours will pay \$8,000

Category J from 0 to 333 hours will pay \$5,000

Category K New sources that have applied for a permit after January 1, 2011 will pay \$6,000.”

Section 6. Amend § 6097(d), Title 7 of the Delaware Code in the last sentence of this subsection by deleting the date “December 31, 2011” and substituting in lieu thereof “December 31, 2014”.

Section 7. Amend § 6097(e), Title 7 of the Delaware Code in the second sentence by deleting the parenthetical formula “(PM/2/i.5)” and substituting in lieu thereof “(PM2.5)”.

Section 8. Amend § 6097(e), Title 7 of the Delaware Code in the second sentence by deleting the year “2005” and substituting in lieu thereof “2008”.

Section 9. Amend § 6097(e), Title 7 of the Delaware Code by deleting the second paragraph of this subsection in its entirety and substituting in lieu thereof the following:

“In calendar years 2012, 2013, and 2014 the Department will place each subject source into 1 of the following 9 categories:

Category 1 Greater than 2,000 tons will pay \$175,000

Category 2 from 1,001 to 2,000 tons will pay \$50,000

Category 3 from 501 to 1,000 tons will pay \$30,000

Category 4 from 201 to 500 tons will pay \$14,000

Category 5 from 101 to 200 tons will pay \$6,000

Category 6 from 51 to 100 tons will pay \$4,500

Category 7 from 26 to 50 tons will pay \$3,000

Category 8 from 0 to 25 tons will pay \$2,000

Category 9 New sources that have applied for a permit after January 1, 2011 will pay \$3,000.”

Section 10. Amend § 6097(f), Title 7 of the Delaware Code in the first sentence by deleting the year “2005” and substituting in lieu thereof “2008”.

Section 11. Amend § 6097(f), Title 7 of the Delaware Code in the first sentence by deleting the date “December 31, 2008” and substituting in lieu thereof “December 31, 2011”.

Section 12. Amend § 6097(g), Title 7 of the Delaware Code by inserting at the end of the subsection the following:

“The Department shall consult with the Title V Operating Permit Program Advisory Committee prior to any proposed increase to the complement of full-time equivalent employees funded in whole or in part by the Program.”.

Section 13. Amend § 6097(g), Title 7 of the Delaware Code by deleting the date “December 31, 2011” and substituting in lieu thereof “December 31, 2014”.

Section 14. Amend § 6097, Title 7 of the Delaware Code by adding a new subsection (h) after the current subsection (g) and relettering the subsequent subsections accordingly, with the new subsection to read as follows:

“(h) Annual fees must be paid in full by the end of each calendar year 2012, 2013 and 2014. 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.”.

Section 15. Amend § 6097, Title 7 of the Delaware Code by adding a new subsection (l) to read as follows: “(l) The Program shall be reviewed by an independent third party, to be approved by the committee established pursuant to § 6099 of this title. This review shall not be funded from the fees collected under the Program.”.

Section 16. Amend § 6099, Title 7 of the Delaware Code by deleting the last sentence in its entirety.

Approved July 13, 2011