

PUBLIC SUBMISSION

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Docket: EIA-2026-0067

Agency Information Collection Activities; Proposals, Submissions, and Approvals

Comment On: EIA-2026-0067-0001

Agency Information Collection Activities; Proposals, Submissions, and Approvals

Document: EIA-2026-0067-DRAFT-0001

Comment on FR Doc # 2026-04458

Submitter Information

Email: angela.marconi@delaware.gov

Government Agency Type: State

Government Agency: Delaware Department of Natural Resources and Environmental Control

General Comment

Please see attached public comment from the Delaware Department of Natural Resources and Environmental Control.

Attachments

Delaware Comment Letter EIA



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**
DIVISION OF AIR QUALITY
STATE STREET COMMONS
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**DIRECTOR'S
OFFICE**

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(302) 739-9402

May 4, 2026

United States Office of Management and Budget
OMB Control Number 1905-0215
Submitted Electronically via EIA-FRNcomments@eia.gov

Attention: OMB Control Number 1905-0215

Regarding: Information Collection Request Title: EIA-860S: State Level
Generator Air Permit Inventory Report

To Whom it May Concern:

Delaware's Department of Natural Resources and Environmental Control (DNREC) appreciates this opportunity to comment on the Energy Information Administration's (EIA) Information collection request Title: EIA-860S. The following comments regarding the proposal are submitted by the Delaware Department of Natural Resources and Environmental Control ("Delaware").

EIA invited comments on whether or not: (a) The proposed collection of information is necessary for the proper performance of agency functions, including whether the information will have a practical utility; (b) EIA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used, is accurate; (c) EIA can improve the quality, utility, and clarity of the information it will collect; and (d) EIA can minimize the burden of the collection of information on

respondents, such as automated collection techniques or other forms of information technology.

(a) The Federal Register posting, and correspondence sent to Delaware both demonstrate that EIA has a lack of understanding regarding the regulatory limitations on the operation of emergency generators, and the environmental and public health importance of these limitations. EIA correspondence, including the spreadsheet that was sent to Delaware, utilizes the term “backup generation” frequently. There is no regulatory use of this term. Generators are either designated as “emergency” or “distributed”. Most generators in Delaware are emergency generators. The use of emergency generators is strictly limited to emergency situations because emissions associated with these units are too high for these units to operate on a frequent basis. Their function is important, to support lifesaving and safety systems in the case of power failure, but they are typically not able to power all electrical needs of a facility. Rather, they power functions including safety lighting, elevators, chemical storage cooling and critical servers. To misconstrue emergency generators as a viable option for most facilities to operate in “island mode” (disconnected from the grid) demonstrates a lack of understanding of these units. Further, it ignores the regulatory limitations on the operation of these units, which are necessary to safeguard human health due to their high air emissions.

(b) EIA estimated that agencies would need to spend 5 hours collecting this information. Delaware invested 80 hours of work to complete our submittal, and that submittal does not contain all the information requested. Additional data mining is required if EIA wants more information, and that work must be completed by EIA. Delaware has some of the information EIA requested, but none of it was available in a readily extractable format. Delaware provided an interim solution to EIA which included access to our digital library system. Preparation of this response alone exceeded EIA’s time estimate. This solution was met with a hostile phone call, on Tuesday March 10th, from EIA and correspondence that emphasized the requirement to complete

the submittal, ignoring the time it would take the state to do so, “the State of Delaware is required to extract and submit the requested generator data directly to EIA, rather than directing us to external links for self-retrieval.” The 80 hours spent on this request represents time that would otherwise be spent on air quality permitting and compliance work. EIA’s lack of interest and understanding of the limitations of Delaware’s permitting database, and lack of concern for permitting delays is a poor demonstration of cooperative federalism. Communications with EIA throughout April with a different staff person were professional and productive, and Delaware appreciated those communications very much.

- (c) States consistently provide the following feedback to our federal partners. The best way to work with the states is to treat us as partners, not subordinates. EIA could have discussed their data interests with the states and worked with us to determine a path forward that would not burden the states. For example, this comment period should have taken place prior to the mandatory information request. Approaching the information request with consideration of the burden to states and being receptive to feedback would be cooperative federalism.
- (d) If EIA anticipates additional information requests in the future, they should 1) coordinate with states up front; 2) fund their own request, rather than instituting additional unfunded mandates that burden states and delay permitting; and 3) consider hiring consultants to complete the request.

Delaware appreciates this opportunity to submit comments and welcomes discussion regarding appropriate use of emergency generators. Ensuring adequate power availability to our population is important, but planning must be done responsibly. The importance of prioritizing the air quality and the health of the people throughout the United States cannot be disregarded.

If you have any questions, please contact me at (302) 739-9402.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Marconi". The signature is fluid and cursive, with a large initial "A" and a stylized "M".

Angela D. Marconi, P.E.
Division Director

cc: Gregory Patterson, Secretary DNREC
Amy Van Blarcom Lackey, U.S. EPA Mid-Atlantic Region
Michael Dunn, U.S. EPA Mid-Atlantic Region