

***Please Note:** Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

4202 Control of Communicable and Other Disease Conditions

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL**

DIVISION OF AIR QUALITY

Statutory Authority: 7 Delaware Code, Chapter 60; (7 **Del.C.**, Ch. 60)
7 **DE Admin. Code** 1138

1138 Emission Standards for Hazardous Air Pollutants for Source Categories

REGISTER NOTICE

SAN # 2012-22

1. TITLE OF THE REGULATIONS:

Amendment to 7 **DE Admin. Code** 1138 Emission Standards for Hazardous Air Pollutants for Source Categories

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

Congress sought to reduce cancer and non-cancer health risks due to the exposure to hazardous air pollutants (HAPs) in the Clean Air Act Amendments of 1990. Congress stipulated that the EPA implement a 2-phase rulemaking process to reduce health risks. In phase one, the EPA was to adopt emission standards based on currently available control technologies; these standards are referred to as maximum achievable control technology (MACT) standards. In phase two, the EPA was to adopt additional standards based on an assessment of the health risks remaining after the implementation of the MACT standards and an assessment of the availability of new control technologies; these standards were referred to as risk and technology review (RTR) standards. Delaware adopted the federal MACT standard (40 CFR Part 63 Subpart N) applicable to chromium electroplating and chromium anodizing facilities, as Section 6 of 7 **DE Admin. Code** 1138 on November 1, 2001.

In 2010 and 2011, the EPA undertook an extensive assessment and, on September 19, 2012, promulgated the RTR standard applicable to chromium electroplating and chromium anodizing facilities. The notable, more stringent changes to Subpart N included the lowering of the maximum allowable emission rate of chromium to the atmosphere, the prohibition of continued use of certain fume suppressants, and the addition of new housekeeping procedures.

This proposed amendment to Section 6 of 7 **DE Admin. Code** 1138 is being undertaken to incorporate the more stringent changes the EPA made to Subpart N, in order to reduce the public's exposure to chromium and to maintain the consistency of Delaware's air toxics regulatory requirements under Section 6 with national requirements under Subpart N.

In addition, the Department adopted Section 10 into 7 **DE Admin. Code** 1138 on November 1, 2009. That regulatory action was precipitated by the EPA's adoption of a new area source air toxics standard under 40 CFR Part 63 Subpart WWWW (Subpart 6Ws) on June 12, 2008, which was applicable nationally to metal plating and polishing facilities that emit cadmium, chromium, lead, manganese, or nickel compounds.

In 2010, the EPA received numerable questions from individual metal plating and polishing facilities and their industry trade associations seeking clarifications and interpretations on various aspects of their original June 12, 2008 adoption of Subpart 6Ws. Following this dialogue and review, the EPA amended Subpart 6Ws on September 19, 2011. The primary change effected by the EPA's amendment was a clarification that Subpart 6Ws did not apply to any bench scale activities. At the same time, the EPA 1) clarified industries' confusion on applicability of Subpart 6Ws

to various types of metal plating operations, 2) corrected portions of the original text that was prone to misinterpretation, and 3) corrected several technical errors.

This proposed amendment to Section 10 of 7 **DE Admin. Code** 1138 is being undertaken to incorporate the clarifications and corrections the EPA made to Subpart 6Ws (76 FR 57913, 9/19/11), in order to maintain the consistency of Delaware's air toxics regulatory requirements under Section 10 with national requirements under Subpart 6Ws.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

None

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 Delaware Code, Chapter 60

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

None

6. NOTICE OF PUBLIC COMMENT:

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Thursday, June 27, 2013 starting at 6:00 PM in the DNREC Richardson & Robbins Auditorium, 89 Kings Highway, Dover, DE. Interested parties may submit comments in writing to: Jim Snead, DNREC Division of Air Quality, 715 Grantham Lane, New Castle, DE 19720.

7. PREPARED BY:

James R. Snead (302) 323-4542 jsnead@state.de.us May 2, 2013

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DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

**DIVISION OF FAMILY SERVICES
OFFICE OF CHILD CARE LICENSING**

Statutory Authority: 31 Delaware Code, Chapter 3 (31 **Del.C.** Ch. 3)
9 **DE Admin. Code** 105

105 Residential Child Care Facilities and Day Treatment Programs

PUBLIC NOTICE

Summary

The Office of Child Care Licensing proposes to amend the Delacare Requirements for Residential Child Care Facilities and Day Treatment Programs in response to public comments received in response to Executive Order 36. That process elicited very limited public response. In response to that input the changes to existing regulations address only required staff training hours. A full review is planned in Fall 2013 at which time the normal process for revising regulations will occur. This will include the involvement of a wide cross-section of stakeholders, with all