APPROVED BY

DATE 8-21-2012

START ACTION NOTICE
2012-17

1. TYPE OF ACTION: Amend Section 10, "Emission Standards for Hazardous Air Pollutants for Area Source Plating and Polishing Operations", in Air Regulation 1138.

2. PURPOSE OF ACTION: Congress sought to reduce cancer and non-cancer health risks due to the exposure to hazardous air pollutants (HAPs) in the 1990 Amendments to the Clean Air Act. Under Section 112(k) – Area Source Program, Congress mandated that the EPA identify at least 30 HAPs that posed the greatest threat to public health in urban areas and to identify the area source categories that emit any of those 30 or more HAPs. On July 1, 2008, the EPA promulgated an area source standard applicable to a variety of electroplating and electroless plating operations and to dry mechanical polishing operations under 40 CFR Part 63 Subpart WWWWWW (Subpart 6Ws).

   On November 1, 2009, the Department adopted a comparable area source standard as Section 10 in Regulation 1138.

   On September 19, 2011, the EPA, after extended discussions with the plating and polishing industry, amended portions of Subpart 6Ws. The primary change effected in this amendment was to clarify that Subpart 6Ws did not apply to any bench scale activities. At the same time, the EPA also made changes 1) to clarify industries' confusion on applicability of Subpart 6Ws to various types of plating operations, 2) to correct portions of the original text that was being misinterpreted, and 3) to correct several technical errors.

   Under this action, the Department would review and incorporated the federal changes promulgated on September 9, 2011, where appropriate, in Section 10.

3. STATUTORY BASIS: **7 Del. C.**, Chapter 60, Environmental Control

4. LIKELY AFFECTED PUBLIC: There are four known plating and polishing operations in Delaware. Of these, only Industraplate (south Wilmington) and Standard Engineering (Stanton) were found to be subject to Section 10, when it was originally adopted on November 1, 2009. Because both affected sources are small business entities, the Department plans to work closely with the sources to ensure they understand the changes being made, as was done during the original 2009 adoption of Section 10.

5. PROPOSED SCHEDULE OF ACTIVITIES:
   Public workshop – Fall 2012
   Proposed rule in the Register – Winter 2013
   Public Hearing – Winter 2013
   Effective Date – Spring 2013

6. REVIEW COMMITTEE: Because the EPA changes resulted from direct discussions with the plating and polishing industry, the Department knows of no issues which require review committee discussion. The Department plans to conduct a public workshop to educate both the public and regulated communities. In addition, the Department will establish and maintain an informative web site throughout the regulatory development process.

7. RESPONSIBLE STAFF MEMBER:
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8. APPROVALS:

J R Snead 7/18/12
Responsible Staff Member Date

Ali Mirzakhalili 7/25/12 (electronically)
Division Director Date