



APPROVED BY JGS  
DATE 4-14-15

START ACTION NOTICE  
2015-01

1. TYPE OF ACTION: Amend Section 6 of 7 DE Admin. Code 1138, Emission Standards for Hazardous Air Pollutants for Source Categories.
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 Clean Air Act Amendments of 1990. Congress stipulated that the EPA implement a 2-phase rulemaking process to reduce these health risks. Consistent with this 2-phase process, the EPA adopted the maximum achievable control technology (MACT) standard applicable chromium electroplating and anodizing operations in 1995 as Subpart N in 40 CFR Part 63 and amended the MACT standard requirements and finalized the residual risk standard on September 19, 2012.

Delaware adopted the federal Subpart N MACT requirements as Section 6 in Regulation 1138 in 1999. Delaware subsequently requested and was granted authority to implement and administer Section 6 in lieu of Subpart N for Delaware sources. On September 1, 2013, Delaware adopted the federal Subpart N residual risk changes into Section 6; thus maintaining our consistency with the national standard.

On February 27, 2014, the EPA promulgated revisions for source testing of emissions and operations. These revisions addressed existing Federal testing provisions that contain inaccuracies and outdated procedures. In addition, new alternatives had been identified and were being approved. These revisions improved the quality of data and gave testers additional flexibility to use the newly approved alternative procedures. Over 80 federal test methods and federal standards were revised. In one of the revisions, the EPA approved the use of the California's South Coast Air Quality Management District Method 205.1 as a testing option for measuring total chromium for sources subject to Subpart N.

The purposes of this planned amendment are to 1) again "true up" the current Delaware requirements of Section 6 of 7 DE Admin. Code 1138 with the EPA's national standard and to 2) provide testing flexibility and improved quality of testing results for Delaware's two existing and future sources subject Section 6.

3. STATUTORY BASIS: 7 Del. C., Chapter 60, Environmental Control
4. LIKELY AFFECTED PUBLIC: The two existing chromium electroplating and anodizing operations in Delaware and the public, especially those in the vicinity of a chromium electroplating and anodizing operation.
5. PROPOSED SCHEDULE OF ACTIVITIES: Public Hearing – 2Q 2015  
Final Published and Effective Date – 3Q 2015
6. REVIEW COMMITTEE: The Department believes that our planned direct contact with the two affected Delaware sources prior to the public hearing and the public hearing, itself, will provide adequate education and opportunities to comment for public and regulated community.

7. RESPONSIBLE STAFF MEMBER: Jim Snead 302-323-4542 (phone)  
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8. APPROVALS:

<u>J. R. Snead</u>	<u>2/23/15</u>	_____	_____
Responsible Staff Member	Date	Division Director	Date