



REGISTER NOTICE

SAN # 2015-01

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:

The Clean Air Act Amendments of 1990 stipulated a 2-phase rulemaking process that the EPA must use to protect the public health from exposure to hazardous air pollutants (HAPs). Consistent with this 2-phase process, the EPA adopted the maximum achievable control technology (MACT) standard (phase 1) applicable chromium electroplating and chromium anodizing facilities on January 25, 1995 as Subpart N in 40 CFR Part 63 and later amended those requirements (phase 2) by promulgating the more health-protective residual risk requirements on September 19, 2012.

Delaware adopted the federal MACT standard, i.e. the Subpart N requirements, as Section 6 of 7 **DE Admin Code** 1138 on November 1, 2001 and later, amended Section 6 on September 1, 2013 to incorporate the more health-protective residual risk requirements.

On February 27, 2014, the EPA finalized, under a single rulemaking, over 80 additions to and revisions of the test methods and the testing provisions in various standards in order to improve the quality of test data and to provide testers the additional flexibility of using these newly approved alternative procedures. Subpart N was one of the changed standards.

Prior to that February 27 rulemaking, subsection §63.344(c) of Subpart N provided the owners or operators of affected chromium electroplating and chromium anodizing facilities up to 4 test methods to demonstrate compliance with the standard. In the February 27 final rule, the EPA provided the owners or operators subject to Subpart N with an optional 5th test method to select from by adding the South Coast Air Quality Management District "Test Method 205.1". The Department is proposing to amend Section 6 by adding the same optional, alternative test method, in order (1) to maintain the consistency of Delaware's air regulatory requirements under Section 6 with the national requirements under Subpart N and (2) to give owners or operators of Delaware's affected facilities and their testers the additional flexibility to use the EPA's newly approved testing alternative.

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 Tuesday, August 4, 2015 starting at 6:00 PM in the DNREC Richardson & Robbins Auditorium, 89 Kings Highway, Dover, DE. If you are unable to attend or wish to submit your comments in advance of the public hearing, please send your comments to address below. Interested parties may also submit written comments to the Department, to the same address below, up until the end of the comment period, which will extend through August 19, 2015, unless a longer period is designated by the hearing officer at the public hearing.

DNREC – Division of Air Quality
Subject: August 4 Public Hearing
715 Grantham Lane
New Castle, DE 19720

7. PREPARED BY:

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May 14, 2015

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Date