

Secretary's Order No.: **2006-A-0022**

RE: Proposed Revision to the State Implementation Plan for the Attainment and Maintenance of the National Ambient Air Quality Standards by Amending Regulation No. 1102 (Formally Regulation No. 2), "Permits"

Date of Issuance: May 15, 2006

Effective Date of the Amendment: June 11, 2006

I. Background

On Wednesday, April 26, 2006, a public hearing was held at 1:00 p.m. in the DNREC Auditorium of the Richardson and Robbins Building, 89 Kings Highway, Dover, Delaware, to receive comment on proposed revisions to the State Implementation Plan for the Attainment and Maintenance of the National Ambient Air Quality Standards by amending Regulation No. 1102 (formally Regulation No. 2), "Permits", of the State of Delaware "Regulations Governing the Control of Air Pollution". The proposed amendments are (1) minor revisions to ensure that the regulatory language is clear that all permits issued under this regulation are federally enforceable, regardless of whether they are intended to limit

Potential to Emit; and 2) renumbering the regulation to be consistent with the style manual of the Code of Delaware Regulations.

It should be noted that no members of the public attended this hearing on April 26, 2006, nor were any written comments received by the Department prior to the close of the public record regarding these proposed regulatory promulgations. Proper notice of the hearing was provided as required by law.

After the hearing, the Hearing Officer prepared her report and recommendation in the form of a Hearing Officer's Report to the Secretary dated May 11, 2006, and that report is expressly incorporated herein by reference.

II. Findings and Conclusions

On the basis of the record developed in this matter, it appears that AQM has provided a sound basis for the proposed amendments to Regulation No. 1102, as these amendments will clarify the existing language with regard to the federal enforceability of all permits issued under this particular regulation. The need for the Department to revise and update the numbering of this Regulation is also satisfied within these revisions, so as to make Regulation No. 1102 consistent with the style manual of the Code of Delaware regulations.

III. Order

It is hereby ordered that the proposed revisions to Regulation No. 1102 (formally Regulation No. 2), “Permits” should be promulgated in final form in accordance with the customary and established rule-making procedure required by law.

IV. Reasons

Updating the numbering of this particular regulation will allow it to be consistent with the style manual of the Code of Delaware Regulations. Moreover, the revisions to the State Implementation Plan for the Attainment and Maintenance of the National Ambient Air Quality Standards by amending 1102 will result in clarification to the existing regulatory language contained therein, namely, that all permits issued pursuant to Regulation No. 1102 are federally enforceable, thus assisting the Department in furtherance of the policy and purposes of 7 Del. C., Ch. 60.

/s/ John A. Hughes
John A. Hughes
Secretary