



APPROVED BY [Signature]

2009-17

DATE 8/24/09

START ACTION NOTICE

- 1. TYPE OF ACTION: Adopt a new area source standard into 7 DE Admin. Code 1138, Emission Standards for Hazardous Air Pollutants for Source Categories applicable to new and existing motor vehicle and mobile equipment surface coating operations.
- 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 30 or more HAPs that posed the greatest threat to public health in urban areas, to identify the area (i.e., small) sources that emit any of those pollutants, and to promulgate standards to reduce the emissions of HAPs from those area sources.

In January 2008, the EPA promulgated another of these federal area source standards applicable to facilities in Delaware. This standard, found at 40 CFR Part 63 Subpart HHHHHH, is applicable to new and existing surface coating operations that spray apply coatings to motor vehicles or mobile equipment. The Department plans to adopt requirements that are at least as health protective as the requirements in the federal rule and existing Delaware air permits.

This area source standard addresses the emissions of cadmium, chromium, lead, manganese or nickel compounds. The EPA has classified hexavalent chromium as a known carcinogen and many of the compounds of cadmium, lead, and nickel as probable carcinogens. The major non-cancerous effects from chronic inhalation exposure to these heavy metal compounds in humans are effects upon the respiratory tract (chromium and nickel), central nervous system (lead and manganese) and kidneys (cadmium).

- 3. STATUTORY BASIS: 7 Del. C., Chapter 60, Environmental Control
- 4. LIKELY AFFECTED PUBLIC: The regulated community is comprised of any stationary source that spray applies surface coatings containing these five heavy metal compounds to motor vehicles or mobile equipment. The public, especially those living near affected facilities, will benefit from the reduced exposure to these heavy metal compounds.
- 5. PROPOSED SCHEDULE OF ACTIVITIES:
  - Public workshop – Winter 2010
  - Proposal in DE Register – Spring 2010
  - Public Hearing – Summer 2010
  - Effective Date – Fall 2010
- 6. REVIEW COMMITTEE: Because the Department intends to plans to adopt a rule that is at least as health protective as the federal area source requirements and existing Delaware air permit requirements, it knows of no issues, which requires review committee discussion. However, the Department, through the Small Business Ombudsman, plans to meet with representatives of this business sector to develop an effective communication strategy to educate both the public and regulated communities. In addition, the Department has developed and will be maintaining an informative web site throughout the regulatory development process. <http://www.awm.delaware.gov/Info/Regs/Pages/Section15.aspx>

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

[Signature] 7/8/09  
 Responsible Staff Member Date

[Signature] 7.19.09  
 Division Director Date