

From: Pettingill Gene (DNREC)

Sent: Thursday, August 03, 2006 2:49 AM

To: 'alan.horowitz@astrazeneca.com'; 'Alvaldenio@aol.com'; Foster Paul (DNREC); 'tsw1@daimlerchrysler.com'; 'john.w.peronti@gm.com'; 'Stu.Widom@Conectiv.com'; 'psamulewicz@aaqsinc.com'; 'Nino.Rose@epamail.epa.gov'; 'HolmesAems@aol.com'; 'anderson.Kathleen@epa.gov'; Amirikian Ronald A. (DNREC); Mann Amy (DNREC); Morozowich Deanna (DNREC); Csizmadia Valerie (DOJ); 'Whetzel, Robert W.'; 'Paul R Jann'; 'Deborah Brown'; 'Bacher, David'; 'Michael D. Fiorentino'; 'Nicholas DiPasquale'; 'Louis M. Militana'; 'Heather.Chelpaty@valero.com'

Cc: DNRECAWM AQMFOIA1 (MailBox Resources); Mirzakhilili Ali (DNREC); Ours Stephen (DNREC); Rangan Ravi (DNREC); Das Tapan (DNREC); 'April Uhlenburg'; 'amuller@dca.net'

Subject: NSR - An Alternate Path - CANCELLATION OF 8/8/06 REVIEW COMMITTEE MEETING

The Tuesday, August 8, 2006 NSR Review Committee meeting is cancelled.

I fully expected by now to be inundated with comments on FEL regulation draft 4 (it's on the website under the 6/27 meeting) So far I've only received comments from Valero.

Cancelling the 8/8 meeting will give you more time to assemble and transmit comments (say by COB 8/16 – another 2weeks). The next meeting will be on 8/29 (our regular schedule). All comments will be added to the website in some organized fashion to permit adequate review at the 8/29 meeting. (Comments will be grudgingly accepted up to the eve of the next meeting, but this could complicate our review and analysis and posting on the website for all to see and review. It will also be difficult to respond properly at the meeting to excessively late comments.)

One could presume the lack of comments indicates most members are fully satisfied with the content of draft 4 and that this draft is in compliance with the stakeholder prepared White Paper (that was our intent).

However, that seems unlikely based on comments expressed at the 6/27 meeting, so, I must presume there is some lack of interest in the outcome of our FEL regulation development exercise. Time is fleeting as we are well past the time Delaware should have had a rule response to the 12/31/02 EPA NSR Reforms. Because of this, and the apparent lack of interest in continuing with the FEL concept, I have been asked to begin preparing an Equivalency Demonstration letter to EPA in support of our existing Regulation 1125. This is Plan B, the only alternate we have to the FEL."

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