



REGISTER NOTICE

SAN # 2006-22

1. TITLE OF THE REGULATIONS:

Amendment to Regulation No. 1138 Emission Standards for Hazardous Air Pollutants for Source Categories

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

Delaware adopted by reference the federal Maximum Achievable Control Technology (MACT) standards applicable to halogenated solvent degreasers (40 CFR Part 63 Subpart T) and aluminum sweat furnaces (40 CFR Part 63 Subpart RRR) into Regulation No. 38 on November 1, 2001 and June 1, 2003, respectively. When Delaware adopted these standards all sources subject to them were required to get a Title V operating permit. In December 2005, the EPA revised the Title V permitting requirements to permanently exempt the smaller area sources from having to obtain a Title V permit.

The purpose of this amendment to Subparts T and RRR of Regulation No. 38 is to be consistent with federal requirements by permanently exempting small area sources from Title V permitting requirements. These sources must still obtain air permits under Regulation 1102.

With this rulemaking, the Department will also amend Subparts T and RRR to be consistent with the Delaware Administrative Code format. The Department will also change from the adoption by reference format and provide the complete regulatory text. This latter change will eliminate the need for the public and regulated community to interpret the adopted federal standards and the changes made when the Department originally adopted these standards into Regulation No. 38.

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 Thursday, June 21, 2007 beginning at 6:00PM in the DNREC auditorium at the Richardson and Robbins Building, 89 Kings Highway, Dover DE. Interested parties may submit comments in writing to: Jim Snead, DNREC Air Quality Management Section, 715 Grantham Lane, New Castle, DE 19720.

7. PREPARED BY:

James R. Snead (302) 323-4542 james.snead@state.de.us

April 11, 2007

Name/Phone #/email address

Date