



REGISTER NOTICE

SAN # 2006-21

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) standard applicable to chromium electroplating and anodizing tanks (40 CFR Part 63 Subpart N) into Regulation No. 1138 (formerly 38) on September 1, 1999. Since this initial adoption, the EPA has revised the federal MACT standard several times. These EPA revisions have changed the federal MACT standard's Title V permit requirement, emission limits, definitions, compliance provisions and performance test requirements.

The purpose of this amendment to Subpart N of Regulation No. 1138 is to be consistent, where appropriate, with federal requirements. One of the federal changes, which the Department proposes to include, will permanently exempt small area sources from Title V permitting requirements. These sources will still be subject to the MACT requirements through their air permits under Regulation 1102.

With this rulemaking, the Department will also amend Subpart N to be consistent with the Delaware Administrative Code format. The Department will also change from our past 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. 1138.

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, August 23, 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:

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June 20, 2007

Date