

## Public Hearing Talking Points

1. A copy of the Public Hearing Handouts that the Department provided at the 6/21, 2007 public hearing on the proposed amendment to Subparts T and RRR of Regulation 38. The handouts include a listing of the Department's Exhibits, a copy of the proposed amendment and a summary of the Department's presentation.
2. A listing of the Exhibits that the Department is entering into the record at tonight's public hearing.
3. The current Regulation No. 38 which includes Subparts T and RRR in their original adoption by reference format.
4. The Subpart T technical support document which provides the full text language of the current regulatory requirements. This document served as the starting point for the revision of Subpart T.
5. Subpart RRR technical support document; like Exhibit 4, provides the full text language of the current Subpart RRR requirements and served as the starting point for the revision of Subpart RRR.

In Delaware, the chemicals of concern associate with these two subparts are **trichloroethylene** and **tetrachloroethylene** from the halogenated solvent cleaning systems and **dioxin** from aluminum sweat furnaces.

6. A hazard summary fact sheet for **trichloroethylene** developed by the EPA based on information in their **Integrated Risk Information System (IRIS)** database. The summary provides both the acute and chronic non-cancer effects and the chronic cancer effects due to the exposure to trichloroethylene.
7. A hazard summary fact sheet for **tetrachloroethylene** or **perchloroethylene** is based on information in IRIS and provides similar health impact information due to exposure to these chemicals.
8. An EPA fact sheet summarizing information from the scientific community's ongoing assessment of the human health effects stemming from exposure to dioxin.
9. A copy of Start Action Notice 2006-22 approving the Air Quality Management's plan to amend Subparts T and RRR.

The Department adopted Subpart T in 2001 and Subpart RRR in 2003. Since that time, EPA has revised the federal requirements that we had adopted by reference in Regulation 38. We reviewed and considered the federal revisions in Exhibits 10 through 14, when developing our proposed amendments under Start Action Notice 2006-22.

10. Applicable to Subparts T and RRR
11. Applicable to Subpart RRR
12. Applicable to Subpart RRR
13. Applicable to Subparts T and RRR
14. Applicable to Subpart RRR

15. A summary of the changes being made to Subpart T of Regulation 38 due to the federal revision previously mentioned.
  - Added additional flexibility to demonstrate equivalent operational and work practices
  - Clarified intent of requirements
  - Title V permit exemption
16. A summary of the changes being made to our Subpart RRR due to the federal changes.
  - Changed and added definitions
  - Corrected errors
  - Clarified intent of requirements
  - Title V permit exemption
17. A summary of the changes the Department made in the proposed amendment. These changes were unrelated to the five federal revisions finalized since Subparts T and RRR were adopted into Regulation 38. One such change is in the regulatory number system, so Regulation 38 will now become Regulation 1138.
  - Delaware Administrative Code and Format
  - Consistency between other Sections on Regulation 1138
  - Errata in federal language
18. A listing of known halogenated solvent degreasing facilities in Delaware.

In April, the Department sent letter to the three known affected facilities informing them of the planned revisions that were underway and provided each with a draft of the planned amendment of Subpart T. Exhibits 19 through 21 are copies of the letters sent to Camdel Metals, Cermet Materials and Metal Masters.

19. Camdel Metals
20. Cermet Materials
21. Metal Masters

22. A copy of draft amendment that was attached to these letters.

When Delaware adopted Subpart RRR in 2003, there was one affected source in Delaware. Since that time, **Fitzgerald's Auto Salvage** has shutdown their aluminum sweat furnace.

23. A copy of the proposed amendment that was submitted to the Delaware Register of Regulations. A copy of this submittal is included in the public hearing handouts.
24. A copy of the register notice was also submitted to the Delaware Register of Regulations.
25. A copy of the proposed amendment as it was reference on pages 1788 of the **June 1, 2007** Delaware Register of Regulations. Because of length of the amendment, the Registrar elected to exclude it from the Register; but it was included via a certified document linked to the June 1 Register.
26. A copy of the register notice announcing the public hearing as it appeared on page 1787 of the **June 1, 2007** Delaware Register of Regulations.
27. The legal notice that was mailed to people on Air Quality Management's mailing list, notifying the recipient of tonight's public hearing.

28. The public hearing notice as it appeared in the Sunday News Journal on May 13, 2007.
29. The public hearing notice as it appeared in the Delaware State News on May 13, 2007.
30. A copy of the notice as it appeared in the Statewide Calendar of Meeting announcing the public hearing on the proposed amendment to Subparts T and RRR.
31. A copy of the AIR AND WASTE NEWS dated **June 4, 2007**. This bimonthly electronic E-News Update announced the June 21, 2007 public hearing on the proposed amendment to Subparts T and RRR.
32. A copy of the Air Quality Management web page that provides the regulated community and the public access to a variety of information during the development of the amendment of Subpart T.
33. Similarly, a copy of the Air Quality Management web page providing a variety of information during the development of the amendment of Subpart RRR.
34. On June 15, the Department learned that Earthjustice had filed a lawsuit on behalf of its client, Coalition for a Safe Environment pertaining to alleged deficiencies in the Start Up, Shutdown and Malfunction Plan changes in EPA's April 20, 2006 rule making that provided in the Department's Exhibit 14. The Department is withdrawing its proposed change to paragraph 12.17.1 [page 51] pending the outcome of this suit. The Department believes that this change is non-substantive because paragraph 12.17.1 remains as it was, when the Department originally adopted Subpart RRR in 2003 and there are no source's currently impacted by this change. The only potentially affected source elected to shut down its aluminum sweat furnace when the Department originally adopted Subpart RRR.