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START ACTION NOTICE DATE 7 Oct 2009  
SAN # 2009-23

1. TYPE OF ACTION: To revise Section 23 "Coating of Flat Wood Paneling" of 7 DE Admin. Code 1124 "Control of Volatile Organic Compound Emissions."

2. PURPOSE OF ACTION: The Department is proposing to revise Section 23 of 7 DE Admin. Code 1124 to conform to a Control Techniques Guidelines (CTG) document issued by EPA in September 2006. The Clean Air Act (CAA) Section 182(b)(2) requires that all ozone non-attainment areas must develop or update relevant regulations to implement Reasonably Available Control Technology (RACT) controls on emission sources covered in EPA's Control Techniques Guidelines (CTG) or Alternate Control Techniques (ACT), and submit the regulations to EPA as State Implementation Plan (SIP) revisions.

The EPA's previous CTG for flat wood paneling coating was issued in 1978, followed by a guidance document in 1979 to provide assistance to states in preparing relevant regulations. The new CTG of 2006 revises the 1978 CTG, in particular, adds some product lines to the list in the 1978 CTG. Since Delaware's current Section 23 of 7 DE Admin. Code 1124 was based on EPA's 1978-1979 documents, it must be revised to meet EPA's updated requirements.

3. STATUTORY BASIS: 7 Del. C., Chapter 60, Environmental Control.

4. LIKELY AFFECTED PUBLIC: Stationary non-point sources in the State of Delaware that are engaged in flat wood paneling coating activities will be affected by this action. In addition, this action is a part of Delaware's SIP to attain ozone air quality standards. Therefore, public health and welfare will benefit.

5. PROPOSED SCHEDULE OF ACTIVITIES:  
Public Workshop - Fall 2009  
Proposal in Delaware Register - Winter 2010  
Public Hearing - Spring 2010  
Effective Date - Summer 2010

6. REVIEW COMMITTEE: A review committee will not be formed as the Department will develop a draft regulation based on EPA's new CTG document. The Department believes that a public workshop will provide an adequate platform for public education and comment, and a public hearing will provide a timely opportunity for public participation in this rulemaking process.

7. RESPONSIBLE STAFF MEMBER:  
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8. APPROVALS:

/Frank F. Gao/ 08/28/2009  
Responsible Staff Member Date

*[Signature]* 9.8.09  
Division Director Date