

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Division of Air and Waste Management

Statutory Authority: 7 Delaware Code, Section 6010, (7 **Del.C.** §6010)

7 DE Admin. Code 1138

PROPOSED

REGISTER NOTICE

SAN # 2007-03

1. TITLE OF THE REGULATION:

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 perchloroethylene dry cleaning facilities (40 CFR Part 63 Subpart M) into Regulation No. 1138 (formerly 38) on February 1, 1999. Since this initial adoption, the EPA has revised the federal MACT standard several times. The most significant of the revisions were the adoption of the residual risk requirements that will eliminate the use of perchloroethylene in dry cleaning systems located in building with residences and will reduce the emissions of perchloroethylene from existing dry cleaning systems and from all newly installed dry cleaning systems (71 FR 42724, July 27, 2006). These more stringent requirements were incorporated after the EPA determined that despite the full implementation of the MACT requirements, the remaining level of risk of adverse health affects was unacceptable.

The purpose of this amendment to Subpart M of Regulation No. 1138 is to be consistent, where appropriate, with federal requirements and to further reduce the remaining risk of adverse health affects, where reasonably and economically feasible.

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 Tuesday, January 22, 2008 beginning at 6:00 PM in the DNREC Conference Rooms A/B located at 391 Lukens Drive, New Castle, 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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