



REGISTER NOTICE

SAN # 2008-09

1. TITLE OF THE REGULATIONS:

Amendment to Regulation 1138 Emission Standards for Hazardous Air Pollutants for Source Categories

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

Under Section 112(k) of the 1990 Clean Air Act Amendment, Congress mandated that the EPA identify 30 or more hazardous air pollutants (HAPs) that posed the greatest threat to public health in urban areas, to identify the small area sources that emit those pollutants and to develop regulations to reduce the emission of HAPs. In 1999, the EPA identified 33 HAPs that posed the greatest threat to public health and has, since that time, identified over 60 new area source categories for which regulations would be developed.

In December 2007, the EPA promulgated another area source standard affecting Delaware sources; the hospital ethylene oxide sterilizer standard under 40 CFR Part 63 Subpart WWWW.

The purpose of this proposed amendment to Regulation 1138 is to provide increased protection for Delaware citizens against a variety of adverse health effects, which includes problems in the proper functioning of the brain and nerves and the irritation to the eyes, skin, and mucous membranes as a result of exposure to ethylene oxide. In addition, ethylene oxide is classified as a probable human carcinogen based on cancer data, which shows increased incidences of leukemia, stomach cancer and cancers of the pancreas.

The proposed amendment will provide greater consistency between Delaware's air toxics standards and the recently promulgated federal standard (Subpart WWWW) on which this proposed amendment is heavily based. In addition, this amendment proposes to include several more protective requirements that currently exist in either Delaware air permits or similar air toxic standards found in Regulation 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 Wednesday, December 3, 2008 beginning at 6:00 PM in the DNREC's Air Quality Management Office, 715 Grantham Lane, 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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May 22, 2008
Date