

# **REGISTER NOTICE**

## **SAN 2012-18**

**1. TITLE OF THE REGULATION:**

Amend 7 DE Admin. Code 1125, Requirements for Preconstruction Review .

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

The Department proposes to revise Section 1.9, Definitions of 7 DE Admin. Code 1125, to include in the definition for "Greenhouse Gases (GHG)" that, prior to July 21, 2014, biogenic carbon dioxide (CO<sub>2</sub>) emissions be excluded from consideration. This proposed change mirrors the federal rule at 76 FR 43490 (July 20, 2011) temporarily deferring for a period of three years the application of Prevention of Significant Deterioration (PSD) permitting requirements for CO<sub>2</sub> emissions from bioenergy and other biogenic stationary sources such as landfills. The Department will submit this change to the Environmental Protection Agency as a revision to the State Implementation Plan (SIP).

**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:**

The Department will hold a public hearing on this proposed amendment on Thursday, September 27, 2012 starting at 6:00 pm in the Richardson and Robbins Building auditorium, located at 89 King's Highway in Dover. Interested persons may submit comments in writing to Gene Pettingill, Division of Air Quality, 715 Grantham Lane, New Castle DE 19720 and/or statements and testimony may be presented either orally or in writing at the public hearing.

**7. PREPARED BY:**

Gene Pettingill (302-323-4542)

August 6, 2012