

REGISTER NOTICE

SAN 2012-12

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 25 of 7 DE Admin Code 1125 to increase the availability of emission offsets. Under the new source review permitting program (7 DE Admin. Code 1125) for stationary sources located in non-attainment areas, a proposed new or modified source exceeding established emission thresholds of ground-level ozone precursors must meet requirements that include the requirement to obtain emission “offsets” in an amount greater than the projected source emissions. Since Delaware sources are now well-controlled, the availability of offsets is costly and limited. The purpose of this revision is to expand the area where offsets can be obtained to an area that encompasses the 15 states that significantly contribute to Delaware’s ozone nonattainment problem. 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 6:15 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 9, 2012