

REGISTER NOTICE

SAN #2012-05

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 clarify the definition of “Subject to Regulation”. This language was added to 1125 as part of the December 2010 revisions made to implement the EPA’s greenhouse gas tailoring rule. This new language can be read to provide that Prevention of Significant Deterioration (PSD) review is required only for pollutants that are emitted in major amounts. This proposed change will clarify that a major source for any pollutant subject to regulation under the CAA is subject to PSD review for all pollutants emitted at greater than the significance level. The December 2010 revisions were submitted to the EPA as a revision to Delaware’s State Implementation Plan (SIP). This clarification is necessary to enable the EPA to approve this SIP revision.

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 these proposed amendments on Monday, June 25, 2012 beginning 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 (302-324-4245)

May 9, 2012