

Example of Delaware-only Changes made to Section 10

1. Change precipitated by EPA changes to Sub 6Ws.

- Clarified the meaning of “startup” for measuring the pH for cyanide electroplating tanks



10.7.9 The owner or operator of an affected cyanide electrolytic process tank shall demonstrate continuous compliance according to 10.7.9.1 and 10.7.9.4 of this regulation.

10.7.9.1 The owner or operator shall measure and record the pH of the tank bath upon startup of the tank bath.

10.7.9.2 The owner or operator shall state in the annual compliance certification report that the pH has been measured upon startup of the tank bath.

10.9.1.7 The owner or operator of an affected cyanide electrolytic process tank that is subject to the requirements in 10.4.4 of this regulation shall state in the annual compliance certification report that the pH of the tank bath has been measured upon startup of the tank bath.

- Clarified that the “management practices” were applicable to ALL affected source



10.4.7 ~~Except for the owner or operator of a dry mechanical polishing operation, the~~ The owner or operator of an affected source subject to the provisions of 10.0 of this regulation shall implement the applicable management practices in 10.4.7.1 through 10.4.7.13 of this regulation. The Department may approve an alternative to any requirement of 10.4.7.1 through 10.4.7.13 if the owner or operator demonstrates that compliance with such requirement is not practicable.

10.7.10 The owner or operator of an affected dry mechanical polishing operation shall demonstrate continuous compliance according to 10.7.10.1 through 10.7.10.57 of this regulation.

10.7.10.6 The owner or operator shall implement the applicable management practices in 10.4.7 of this regulation, whenever the process tank is in operation.

10.7.10.7 The owner or operator shall state in the annual compliance certification report that the applicable management practices in 10.4.7 of this regulation have been implemented.

- Updated the Startup, Shutdown & Malfunction provisions consistent with the 12/19/08 D.C. District Court decision in *Sierra Club vs. EPA*



10.4 Standards and management practices.

On and after the applicable compliance date, the owner or operator of an affected source subject to the provisions of 10.0 of this regulation shall be in compliance with the applicable standards and management practices in 10.4.1 through 10.4.8 of this regulation at all times.

2. Improved clarity and consistency within Section 10.

Clarity



Table 10-1 - Applicability of 3.0 to 10.0 of this Regulation

General Provision Reference	Applies to 10.0	Comment
3.6.5 - 3.6.5.1	Yes <u>No</u>	
3.6.5.2	No	Reserved.
3.6.5.3	Yes <u>No</u>	However, 10.4.8 of this regulation specifies the minimum contents of the startup, shutdown, and malfunction plan <u>for sources using a capture system and control device to comply with the 10.4 of this regulation.</u>
3.6.6—3.6.6.2.2	Yes	
<u>3.6.6.1</u>	<u>No</u>	<u>Standards apply at all times, including during startup, shutdown, and malfunction events.</u>
<u>3.6.6.2 - 3.6.6.2.2</u>	<u>Yes</u>	
3.6.6.2.3	No	10.0 of this regulation does not require performance testing.
3.6.6.2.4 - 3.6.6.3	Yes	
3.6.7	Yes	
3.6.8	No	10.0 of this regulation does not contain any opacity or visible emission standards.

Consistency



- Differentiating **cyanide** electroplating from **non-cyanide** electroplating
- **Parts vs. Products vs. Objects vs. Work pieces**
- **Plating and polishing operations vs. plating and polishing processes**
- **Plating and polishing metal HAPs vs. metal HAPs**
- **Flash electroplating vs. flash or short-term electroplating**
- **Capture systems vs collection systems**

3. Maintain the State's format and style.



10.10.2

The owner or operator shall keep each record for a minimum of ~~5~~five years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. The owner or operator shall keep each record onsite for at least ~~2~~two years after the date of each occurrence, measurement, maintenance, corrective action, report, or record. The owner or operator may keep the records offsite for the remaining ~~3~~three years.

4. Correct technical errors.

7

- 10.6.12 Except as otherwise provided for in 10.6.1 through 10.6.11 of this regulation, the owner or operator of an affected source subject to the provisions of 10.0 of this regulation shall demonstrate initial compliance according to 10.6.12.1 ~~through~~ and 10.6.12.2 of this regulation.
- 10.7.6 The owner or operator of an affected continuous non-cyanide electrolytic process tank, who uses a surface cover to comply with 10.4.1.3.2 of this regulation, shall demonstrate continuous compliance according to 10.7.6.1 ~~and-through~~ 10.7.6.4 of this regulation.
- 10.8.1 The owner or operator of an affected source subject to the provisions of 10.0 of this regulation shall submit an initial notification in accordance with 10.8.1.1 ~~through~~ and 10.8.1.2 of this regulation by the applicable date in 10.8.1.3 or 10.8.1.4 of this regulation.

