2008-05

APPROVED BY

DATE 3-31-08

START ACTION NOTICE

1. TYPE OF ACTION: Adopt new federal area source standard into Regulation 1138, Emission Standards for Hazardous Air Pollutants for Source Categories applicable to new and existing lead acid battery manufacturing plants.

2. PURPOSE OF ACTION: Congress sought to reduce cancer and non-cancer health risks due to the exposure to hazardous air pollutants (HAPs) in the 1990 Amendments to the Clean Air Act. Under Section 112(k) – Area Source Program, Congress mandated that the EPA identify 30 or more HAPs that posed the greatest threat to public health in urban areas, and to identify the small (i.e., area) sources that emit any of those pollutants.

   In July 2007, the EPA promulgated the first of these federal area source standards affecting a Delaware facility. This standard, found at 40 CFR Part 63 Subpart PPPPPP, is applicable to new and existing area source lead acid battery manufacturing plants.

   The federal standard addresses the emissions of two heavy metals: lead and cadmium. Lead is classified as a probable carcinogen, and long-term exposures to lead are linked to blood disease (anemia), neurological effects and kidney disease. Children are particularly sensitive. Cadmium is classified as a probable carcinogen and long-term exposure to it is linked to kidney disease and adverse respiratory effects.

3. STATUTORY BASIS: **7 Del. C.**, Chapter 60, Environmental Control

4. LIKELY AFFECTED PUBLIC: Johnson Controls Battery Group (Middletown) is the only known facility affected by this proposed regulatory action. The public, especially in the vicinity of this facility, will benefit from the control of lead and cadmium emissions.

5. PROPOSED SCHEDULE OF ACTIVITIES: Proposal in the Register – Spring 2008
   Public Hearing – Spring 2008
   Effective Date – Summer 2008

6. REVIEW COMMITTEE: Because the EPA relied heavily on the current federal New Source Performance Standard in their final area source standard, as do the Department's air permitting requirements, the Department knows of no issues which require review committee discussion or public workshop. The public hearing will provide adequate opportunities for the public education and comment. In addition, the Department will maintain an informative web site throughout the regulatory development process.

7. RESPONSIBLE STAFF MEMBER: Jim Snead
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8. APPROVALS:

J Snead	2/26/08		12MAR 2008
Responsible Staff Member	Date	Division Director	Date