2010-17

APPROVED BY

DATE 6-18-2010

START ACTION NOTICE

1. TYPE OF ACTION: Adopt new federal area source standard into 7 DE Admin. Code 1138, Emission Standards for Hazardous Air Pollutants for Source Categories applicable to area source asphalt processing operations and asphalt roofing manufacturing operations.

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, identify those area (i.e., small) sources that emit any of those 30 HAPs, and promulgate standards to address the emissions from those area sources.

   In December 2009, the EPA promulgated another of these federal area source standards applicable to facilities in Delaware. This standard, found at 40 CFR Part 63 Subpart AAAAAAA, is applicable to new and existing asphalt processing operations and asphalt roofing manufacturing operations located at area sources.

   This area source standard addresses the emissions of polycyclic aromatic hydrocarbons or PAHs, which represent a broad class of aromatic compounds. EPA has classified seven PAHs (benzo[a]pyrene, benz[a]anthracene, chrysene, benzo[b]fluoranthene, benzo[k]fluoranthene, dibenz[a,h]anthracene, and indeno[1,2,3-cd]pyrene) as probable human carcinogens. The major non-cancerous effects from chronic inhalation exposure are disease associated with the respiratory tract.

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

4. LIKELY AFFECTED PUBLIC: The only known existing source affected by this planned adoption is IKO Wilmington in northeast Wilmington. The public, especially those living in communities in the Edgemoor area, will benefit from the reduced exposure to PAHs.

5. PROPOSED SCHEDULE OF ACTIVITIES:
   Public workshop – Summer 2010
   Proposal in DE Register – Summer 2010
   Public Hearing – Summer 2010
   Effective Date – Fall 2010

6. REVIEW COMMITTEE: Because the Department intends to propose requirements that are substantively the same as the federal requirements, it knows of no issues which require review committee discussion. The Department plans to conduct a public workshop to educate both the public and regulated community. In addition, the Department will establish and maintain an informative web site throughout the regulatory development process.

7. RESPONSIBLE STAFF MEMBER:

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8. APPROVALS:

J Snead	5/4/10		5-25-10
Responsible Staff Member	Date	Acting Division Director	Date