



APPROVED BY [Signature]

START ACTION NOTICE DATE 12/4/12

2012-22

1. TYPE OF ACTION: Amend Section 6 of 7 DE Admin. Code 1138, Emission Standards for Hazardous Air Pollutants for Source Categories.
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 Clean Air Act Amendments of 1990. Congress stipulated that the EPA implement a 2-phase rulemaking process to reduce these health risks. In the first phase, under Section 112(d), the EPA was to adopt emission standards based on currently available control technologies; these standards were referred to as maximum achievable control technology (MACT) standards. In the second phase, under Section 112(f), the EPA was to assess the health risks remaining following the full implementation of the MACT standard. If the EPA found that the MACT standard achieved a reduction in emission such that the public was protected with an ample margin of safety, no further action was required. If the assessment indicated that the public was not protected with an ample margin of safety, the EPA was to adopt more stringent requirements; these second phase standards were referred to as residual risk standards.

The EPA adopted the MACT standard applicable chromium electroplating and anodizing operations in 1995 as Subpart N in 40 CFR Part 63. Delaware adopted the federal Subpart N requirements as Section 6 in Regulation 1138 in 1999. In 2010 and 2011, the EPA undertook an extensive residual risk assessment and concluded that the public health was not protected with an ample margin of safety. The EPA amended the MACT standard requirements and finalized the residual risk standard on September 19, 2012. The notable, more stringent changes in the residual risk standard included the reduction in the maximum allowable emission of chromium to the atmosphere, the prohibition for the continued use of certain fume suppressants, and the addition of new housekeeping procedures.

The purpose of this amendment to Section 6 of 7 DE Admin. Code 1138 to reduce the public's exposure to hexavalent chromium, a known carcinogen, in a manner consistent with the EPA's residual risk revisions.

3. STATUTORY BASIS: 7 Del. C., Chapter 60, Environmental Control
4. LIKELY AFFECTED PUBLIC: The public, especially those in the vicinity of a chromium electroplating and anodizing operation and the three existing chromium electroplating and anodizing operations in Delaware.
5. PROPOSED SCHEDULE OF ACTIVITIES:

Public Workshop – 1Q 2013	Public Hearing – 2Q 2013
Final Published – 2Q 2013	Effective Date – 2Q 2013
6. REVIEW COMMITTEE: The Department believes that a planned educational outreach, a public workshop, and a public hearing will provide adequate education and comment opportunities for public and regulated community.
7. RESPONSIBLE STAFF MEMBER:

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8. APPROVALS:

<u>J. R. Snead</u>	<u>10/17/12</u>	_____	_____
Responsible Staff Member	Date	Division Director	Date