

Regulation 1138

Emission Standards for Hazardous Air Pollutants for Source Categories

Section 11.0

Lead Acid Battery Manufacturing Plants

July 29, 2008

Public Hearing



**DNREC
Air Quality Management Section**

A New Breed of Federal Air Toxics Regulations

112(k) of the CAA

Reducing Potential Adverse Health Impacts from Small Facilities

- Under Section 112(k) of the CAA, Congress mandated EPA to reduce cancer attributed to small area sources by at least 75%
- Congress required EPA to
 - Identify 30+ HAPs that present the greatest threat to public health
 - Identify source categories that emit 90% of these 30+ HAPs
 - Issue regulations to achieve the 75% reduction in cancer

Reducing Potential Adverse Health Impacts from Small Facilities

- **Lead** is one of 33 identified
- **Lead acid battery manufacturing (LABM)** is one of 70 source categories identified
- Federal **LABM** rule (40 CFR Part 63 Subpart P) was finalized in 2007

This is the federal rule that Delaware is adopting with several changes as Section 11 of Regulation 1138

LEAD

Its Public Health Concerns

Public Health Concerns - Current

Potential health impacts from exposure to **lead** based on EPA's Integrated Risk Information System (IRIS) database

- High toxic element
- Affects public at even low dose levels
- Blood
- Central nervous system
- Children are especially sensitive
 - Reduced IQ
 - Slowed cognitive development
 - Reduced growth

Federal & DNREC

Regulatory Requirements for Lead Acid Battery Manufacturing Plants

Federal Adoption of the Area Source Standard

40 CFR Part 63 Subpart P PPPP

Proposed Rule 72 FR 16636, April 4, 2007

Final Rule 72 FR 38864, July 16, 2007

Amendment 73 FR 15923, Mar 26, 2008

This Federal rule served as the starting point
in the development of Section 11 of Regulation 1138

DNREC's Proposed Section 11

- Proposed Section 11 of Regulation 1138 appeared in the July 1, 2008 Delaware Register of Regulations
- DNREC proposed rule is more stringent than federal
 - Startup, Shutdown & Malfunction Plan
 - On-going performance testing
 - More monitoring
 - More frequent equipment inspections
 - Additional compliance requirements for alternative control technologies

DNREC's Proposed Section 11 - Corrections

- Recommending corrections to the proposed Section 11 of Regulation 1138 to correct errata and improve clarity
- Non-substantive corrections warranted for errata, for example
 - 11.6.3.2 . . . Except as provided in [~~11.6.4~~] [11.6.3.4] of this regulation, . . .
 - 11.9.2.3 . . . shall be submitted no later than [~~90~~] [60] calendar days . . .
 - 11.9.2.5 . . . the notification of compliance status [s]hall be submitted . .

DNREC's Proposed Section 11 - Corrections

- Non-substantive corrections warranted for improved clarity, for example . . .
 - 11.9.2.1 & 2 Restating in term of “Existing” and “New” Sources, instead of usual General Provision approach
 - 11.11 Providing specific information needs and Delaware’s approval process (air permit under Reg. 1102), instead of the typical federal non-specific approach requiring the Administrators approval

**Regulatory Requirements
For Public Noticing and
Participation Met**

Public Noticing during Development of Section 11

- Email communications with Interested Parties during development of draft and proposed language
- Public hearing notices in
 - The Delaware State News and Sunday News Journal
 - Mailing to people on the Public Hearing Notice List
 - Delaware Register of Regulations
 - Publication in Air & Waste NEWS (e-news update)
 - State Calendar of Public Meetings
 - DNREC NEWS press release
 - AQM's Section 11 regulatory web page

Other information

- Listing of known affected sources at the time of the public hearing
 - Johnson Control (Middletown)
- The Department determined that Delaware's only affected source did not qualify for additional consideration under the Regulatory Flexibility Act

