STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
OFFICE OF THE SECRETARY
89 KINGS HIGHWAY
DOVER, DELAWARE 19901
PHONE: (302) 739-9000
FAX: (302) 739-6242

MEMORANDUM TO: Office of the Governor
Members of the Senate Natural Resources and Environmental Control Committee
Members of the House Environment and Natural Resources Committee

FROM: John Hughes, Secretary

SUBJECT: ***START ACTION NOTICE***

DATE: March 8, 2007

Enclosed for your information is **APPROVED** Start Action Notice:

#2007-03 Amendments to Air Regulation No. 38, Subpart M

CC: Division Directors
Public Affairs
Those on Start Action Approval List
Responsible Staff Member

Delaware's Good Nature depends on you!

APPROVED BY _____

DATE _____

SAN 2007-03

START ACTION NOTICE

1. TYPE OF ACTION: Amend Subpart M of Regulation No. 38, Emission Standards for Hazardous Air Pollutants for Source Categories.

2. PURPOSE OF ACTION: Delaware adopted by reference the federal Maximum Achievable Control Technology (MACT) standard applicable to perchloroethylene dry cleaning facilities (40 CFR Part 63 Subparts M) into Regulation No. 38 on February 1, 1999. Since then, the EPA has revised this MACT standard twice; once in 2005 and again in 2006.

   EPA's 2005 revision permanently exempted the smaller area sources from needing a Title V permit.

   EPA's 2006 revision was made to further reduce perchloroethylene emissions from dry cleaning facilities, as the EPA determined that the federal MACT standard did not reduce the public's potential risk of adverse health affect from perchloroethylene dry cleaning facilities to below acceptable levels (i.e. unacceptable residual risk remained after implementation of MACT).

   The purpose of this amendment to Subpart M of Regulation No. 38 is to, consistent with the EPA's 2005 and 2006 revisions, amend Regulation No. 38 to include the more stringent residual risk requirements and permanently exempt the smaller area sources from Title V permitting requirements.

   In addition, Subpart M of Regulation No. 38 will be renumbered consistent with the Code of Delaware Regulations format and format of the regulation will be changed from the adoption by reference format to a format that includes the complete regulatory text. This latter change will eliminate the need for the public or the regulated community to interpret between the adopted by reference federal standards and the changes the Department made upon adoption into Regulation No. 38.

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

4. LIKELY AFFECTED PUBLIC: The public, especially in the vicinity of dry cleaning facilities, will benefit from the reductions in perchloroethylene emissions. There are between 75 and 80 perchloroethylene dry cleaning facilities in Delaware. The impact on individual facilities will vary depending on current equipment, work practices and location.

5. PROPOSED SCHEDULE OF ACTIVITIES: Public Workshop – Summer 2007 | Public Hearing – Fall-Winter 2007
   Publication in the Register – Fall 2007 | Effective Date – Winter 2007

6. REVIEW COMMITTEE: The Department knows of no issues which require review committee discussion. The Department believes that planned outreaches with the Small Business Ombudsman, the public workshop and the public hearing will provide adequate opportunities for public and regulated community education and the opportunity to comment.

7. RESPONSIBLE STAFF MEMBER: Jim Snead
   Delaware – DNREC
   715 Grantham Lane
   New Castle, DE 19720
   302-323-4542 (phone)
   302-323-4598 (fax)
   jsnead@state.de.us

8. APPROVALS:

Responsible Staff Member	1/16/07 Date	Division Director	13 Feb 2007 Date