APPROVED BY _____

DATE _____

START ACTION NOTICE SAN #2006-21

1. TYPE OF ACTION: Amend Subpart N 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 chromium electroplating facilities (40 CFR Part 63 Subparts N) into Regulation No. 38 on September 1, 1999. Since then, the EPA has revised this standard twice; once in 2004 and again in 2005.

   EPA's 2004 revision impacted the standard's emission limits, definitions, compliance provisions and performance test requirements. EPA's 2005 revision permanently exempted the smaller area sources from needing a Title V permit.

   The Department finds that some of the EPA revisions adopted in 2004 were less stringent than the original standard and could lead to greater emissions of chromium, a carcinogen. Since Delaware sources have demonstrated the ability to comply with the more protective original requirements, it is unlikely that these less stringent revisions will be adopted into Regulation No. 38.

   The purpose of this amendment to Subpart N of Regulation No. 38 is to, consistent with the EPA's revisions, amend Regulation No. 38 to permanently exempt the smaller area sources from Title V permitting requirements and to review EPA's 2004 revisions and propose changes to Regulation No. 38, as necessary.

   In addition, Subpart N 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.

   Name location see

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

   Lost

4. LIKELY AFFECTED PUBLIC: Because there will be no increase in emissions due to this proposed action, the public will not be affected. There are three known area source facilities subject to Subpart N in Delaware.

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

6. REVIEW COMMITTEE: Because this action is primarily to align Delaware's regulation with the existing federal requirements, the Department knows of no issues which require review committee discussion. The Department believes that holding of a public workshop and hearing will provide adequate opportunities for public and regulated community education and the opportunity to comment.

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

	11/30/06		20 Dec 2006
Responsible Staff Member	Date	Division Director	Date