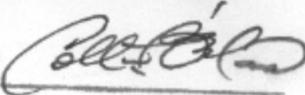




2009-34

APPROVED BY 

START ACTION NOTICE

DATE 1/13/10

- 1. **Type of Action:** Amend 7 DE Admin. Code 1124, "Control of Volatile Organic Compound Emissions," Section 11.0, "Mobile Equipment Repair and Refinishing."
- 2. **Purpose of Action:** The purpose of this action is to amend 7 DE Admin Code 1124, Section 11.0 to further reduce volatile organic compound (VOC) emissions to aid Delaware in meeting the ground-level ozone National Ambient Air Quality Standard (NAAQS). Delaware's air quality does not meet federal and state standards relative to the pollutant ozone, and VOC emissions are one of the major contributors to ambient ozone concentrations.

Section 11.0 was last revised in 2001 based on an Ozone Transport Commission (OTC) model rule. The OTC has developed a new model rule entitled "Motor Vehicle and Mobile Equipment Non-assembly Line Coating Operations," which is based on a California Air Resources Board (CARB) 2005 "Suggested Control Measure for Automotive Coatings." CARB has a long history of regulating coating operations, and has performed significant scientific studies and held many stakeholder meetings to insure the requirements are achievable, and that product performance is maintained or enhanced. All of this information will be considered in the development of this regulatory revision. The other OTC states are in the process of adopting similar regulations.

The revisions will require the use of coatings and cleaning solvents with lower VOC contents, or the use of capture and control devices to reduce VOC emissions.

- 3. **Statutory Basis:** 7 Del. C. Chapter 60, Environmental Control.
- 4. **Likely Affected Public:** Any person who supplies, sells, offers for sale, distributes, manufactures for use, uses, applies or solicits the use or application of motor vehicle or mobile equipment non-assembly line coatings or associated cleaning solvent within the State of Delaware on or after January 1, 2012. Exemptions include: aerosol coating products, products sold in small containers for general public use to repair small imperfections, automotive coatings subject to other Delaware regulations and an automotive coating applied by a person without compensation for the application process.
- 5. **Proposed Schedule of Activities:**

Public Workshop	(1Q10)	Effective	(8/11/10)
Public Hearing	(6/10)	Compliance Date	(1/1/12)
- 6. **Review Committee:** A review committee will not be formed as the Department will develop a draft regulation based on an OTC model rule that has undergone stakeholder involvement. The Department believes that a public workshop will provide ample opportunity for public education and comment on the Department's proposal, and that a public hearing will provide ample opportunity for public review and comment.
- 7. **Responsible Staff Member:**

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8. **APPROVALS:**

			
Responsible Staff Member	Division Director	12.1.09	Date