



4710 Tracking

APPROVED BY [Signature]

DATE 8 March 2010

START ACTION NOTICE

2010 - 10

1. **Type of Action:** Add a new regulation to 7 DE Admin. Code 1100 that specifies the procedures for implementing and enforcing air emissions requirements applicable to Outer Continental Shelf (OCS).
2. **Purpose of Action:** EPA promulgated 40 CFR Part 55 to satisfy the requirements of Section 328(a)(1) of the federal Clean Air Act (i.e., requirements to control air pollution from outer continental shelf (OCS) sources in order to attain and maintain federal and state ambient air quality standards, and to comply with the provisions of Part C of Title 1 of the act). The requirements of 40 CFR Part 55 requires OCS sources to meet Delaware's land based emission control requirements (i.e., generally 7 DE Admin. Code 1100). 40 CFR Part 55 is currently being implemented and enforced by the EPA. This new regulation would enable the EPA to delegate the authority to implement and enforce these requirements to Delaware, which would be consistent with the objective to enable Delaware sources to work mainly with the State of Delaware on environmental issues.
3. **Statutory Basis:** 7 Del. C. Chapter 60, Environmental Control.
4. **Likely Affected Public:** These requirements will apply to any source that constructs or operates in the outer continental shelf, within 25 miles of Delaware's seaward boundaries.
5. **Proposed Schedule of Activities:**

DNREC drafts proposal	- December 2009 through February 2010.
Public Hearing	- March 2010
Effective Date	- June 11, 2010
6. **Review Committee:** A review committee will not be formed as the Department will develop a draft regulation that adopts current Federal requirements, which are currently being implemented and enforced by the EPA. The Department believes that holding a public hearing will provide ample opportunity for public education, review and comment.
7. **Responsible Staff Member:** Mark Prettyman
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8. **APPROVALS:**

Mark O. Prettyman VV10
 Responsible Staff Member Date

[Signature] 1.19.10
 Division Director Date