

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR AND WASTE MANAGEMENT

Statutory Authority: 7 Delaware Code, Chapter 60 (7 Del.C., Ch. 60)

PROPOSED

REGISTER NOTICE: SAN #2010-10

1. Title of the Regulations:

Adoption of a new regulation, 7 DE Admin. Code 1150, **Outer Continental Shelf Air Regulations**

2. Brief Synopsis of the Subject, Substance and Issues:

Section 328(a)(1) of the Clean Air Act requires the EPA to establish 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. 40 CFR Part 55 **Outer Continental Shelf Air Regulations** establishes the air pollution control requirements for OCS sources and the procedures for implementation and enforcement of the requirements, consistent with the stated objectives of section 328(a)(1) of the Act.

Delaware is proposing to adopt a new regulation which will incorporate by reference the provisions of 40 CFR Part 55. 40 CFR Part 55 is currently implemented and enforced by the EPA, specifically incorporates many of Delaware's existing air regulations, and makes those regulations applicable to OCS sources (i.e., generally within 25 miles of the State's seaward boundary). This adoption will enable the EPA to delegate to Delaware primary responsibility to implement and enforce these OCS requirements, as opposed to the EPA.

3. Possible Terms of the Agency Action:

None

4. Statutory Basis or Legal Authority to Act:

7 Delaware Code, Chapter 60

5. Other Regulations That May Be Affected By The Proposal:

None

6. Notice of Public Comment:

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Wednesday, April 21, 2010 beginning at 6:00 PM in the DNREC's Priscilla Building Conference Room, 156 S. State Street, Dover, DE. Interested parties may submit comments in writing to: Mark A. Prettyman, DNREC Air Quality Management Section, 156 South State Street, Dover, DE 19901.

7. Prepared By:

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06/11/2010

1.0 Applicability

Upon delegation of authority by the Administrator of the EPA to the Department, this regulation shall apply to the owner or operator of any OCS source for which Delaware is the corresponding onshore area (COA) as authorized under Section 328 of the federal Clean Air Act Amendments (42 U.S.C. 7627) and 40 CFR Part 55 (July 1, 2009 ed.).

06/11/2010

2.0 Requirements

The provisions of Part 40 CFR Part 55 (July 1, 2009 ed.) are incorporated herein as 7 **DE Admin. Code** 1149.

OCS sources shall comply with all requirements of 1100 Air Quality Management Section of Title 7 of the Delaware Administrative Code to the extent that they are incorporated by EPA into 40 CFR Part 55.14.

This rule incorporates the following provisions of 40 CFR Part 55:

Outer Continental Shelf Air Regulations

<u>55.1</u>	<u>Statutory authority and scope.</u>
<u>55.2</u>	<u>Definitions.</u>
<u>55.3</u>	<u>Applicability.</u>
<u>55.4</u>	<u>Requirements to submit a notice of intent.</u>
<u>55.6</u>	<u>Permit requirements.</u>
<u>55.7</u>	<u>Exemptions.</u>
<u>55.8</u>	<u>Monitoring, reporting, inspections, and compliance.</u>
<u>55.9</u>	<u>Enforcement.</u>
<u>55.10</u>	<u>Fees.</u>
<u>55.13</u>	<u>Federal requirements that apply to OCS sources.</u>
<u>55.14</u>	<u>Requirements that apply to OCS sources located within 25 miles of states' seaward boundaries, by State.</u>
<u>55.15</u>	<u>Specific designation of corresponding onshore areas.</u>
<u>Appendix A</u> <u>to 40 CFR Part 55</u>	<u>Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State</u>

13 DE Reg. 1284 (04/01/10)