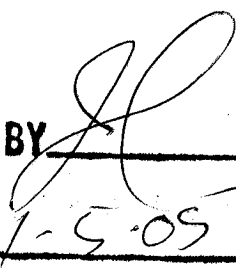




START ACTION NOTICE

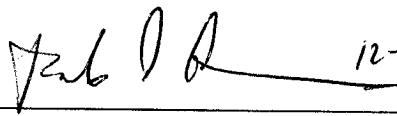
APPROVED BY 

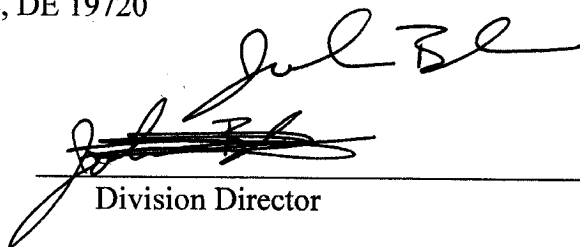
SAN# 2004-17

DATE 1-5-05

1. Type of Action: Amend Regulation 25, "Requirements for Preconstruction Review" of the Department's "Regulations Governing the Control of Air Pollution" to address the EPA new source review (NSR) reforms published on 12/31/02 at 67 FR 80186.
2. Purpose of Action: The EPA has made significant changes to the federal NSR program, and has stated that these changes were made for the purpose of "program simplification and predictability." The federal NSR program sets forth the minimum requirements for Delaware's NSR program (i.e., the requirements of Regulation 25 must be equal to or more stringent than the federal requirements). Under this action the Department will 1) evaluate the revised federal requirements, 2) either incorporate, incorporate with changes, or not incorporate the new requirements/concepts into Regulation 25, and 3) will ensure that Regulation No. 25 is, overall, at least as stringent as the federal requirements.
3. Statutory Basis: 7 Del. C., Chapter 60, Environmental Control.
4. Likely Affected Public: Any person that constructs or modifies a major source within the State of Delaware.
5. Proposed Schedule of Activities:
 Review Committee - 1Q05
 Public Workshop - 3Q05
 Public Hearing - 3Q05
 Adoption - 4Q05
 Effective Date - 1/11/06
6. Review Committee: The reforms have generated intense interest in the NSR permitting process among sources, environmental organizations and permitting authorities. Lawsuits to block the reforms have been filed. We believe a Review Committee will serve a useful purpose in gaining stakeholder support as Delaware's regulation will likely deviate significantly from the federal requirements. Local public workshop(s) and hearing(s) will also provide ample opportunity for public review and comment.
7. Responsible Staff Member: Gene M. Pettingill Phone: (302) 323-4542
 Delaware DNREC Fax: (302) 323-4598
 Air Quality Management Email:
 Gene.Pettingill@state.de.us
 715 Grantham Lane
 New Castle, DE 19720

8. APPROVALS:

 12-20-04
 Responsible Staff Member Date
 For Gene Pettingill

 12/28/04
 Division Director Date