



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
100 CALIFORNIA STREET
SAN FRANCISCO, CALIFORNIA 94111

Mr. William Simmons, Executive Officer
California Air Resources Board
1709 - 11th Street
Sacramento CA 95814

MAY 23 1975

Dear Mr. Simmons:

This is in response to your letter of February 19, 1975, requesting delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of California on behalf of the Monterey Bay Unified Air Pollution Control District.

We have reviewed the pertinent laws of the State of California and the rules and regulations of the Monterey Bay Unified Air Pollution Control District, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the Air Pollution Control District and the State of California. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of California on behalf of the Monterey Bay Unified Air Pollution Control District as follows:

- A. Authority for six categories of new sources located in the Monterey Bay Unified Air Pollution Control District subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 as of the date of delegation. The six categories of new sources covered by the delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; asphalt concrete plants; storage vessels for petroleum liquids; and sewage treatment plants.

- B. Authority for all sources located in the Monterey Bay Unified Air Pollution Control District subject to the national emission standards for hazardous air pollutants promulgated in 40 CFR Part 61 as of the date of delegation. The three hazardous air pollutants covered by the delegation are asbestos; beryllium; and mercury.

This delegation is based upon the following conditions:

1. Semi-annual reports will be submitted to EPA by the Monterey Bay Unified Air Pollution Control District through the Air Resources Board as specified in the State's Request for Delegation.
2. Enforcement of the NSPS and NESHAPS in the Monterey Bay Unified Air Pollution Control District will be the primary responsibility of the District and the State of California Air Resources Board. If the District and State determine that such enforcement is not feasible and so notify EPA, or where the District or State act in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the Monterey Bay District, subject to the NSPS and NESHAPS.
3. Acceptance of this delegation of presently-promulgated NSPS and NESHAPS does not commit the State of California and the Monterey Bay Unified Air Pollution Control District to request or accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the State's Request of February 19, 1975.
4. The State of California and the Monterey Bay Unified Air Pollution Control District are not requesting delegation of authority over federal facilities within the District which are subject to the NSPS and NESHAPS. However, this does not relieve federal facilities of the responsibility of complying with all applicable State laws and Monterey Bay District regulations.

5. The Monterey Bay Unified Air Pollution Control District will at no time grant a variance from compliance with either Rule 424 or 425 of the District, except as provided in this paragraph. Should the District grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the District shall also constitute grounds for revocation of delegation by EPA. However, if the Monterey Bay District in the future amends Rule 424 or 425 so as to make the District regulation more stringent than the applicable federal regulation, the Monterey Bay District may grant variances from the more stringent District regulation if such variances do not relieve subject sources of the responsibility of complying with standards equally as stringent as those contained in the applicable federal regulations.
6. The Monterey Bay Unified Air Pollution District will utilize only the methods specified in 40 CFR Parts 60 and 61 in performing sources tests pursuant to the regulations. Any use of test methods by the District, after delegation, not in accordance with the terms and conditions of this delegation shall constitute grounds for revocation of delegation by EPA.
7. The Air Resources Board and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources in the Monterey Bay Unified Air Pollution Control District and regarding interpretation or applicable regulations.
8. If at any time there is a conflict between a State or Monterey Bay Unified Air Pollution Control District regulation and a federal regulation (40 CFR Part 60 or 61), the federal regulation must be applied if it is more stringent than that of the State or District. In the event of such a conflict, if either the Air Resources Board or

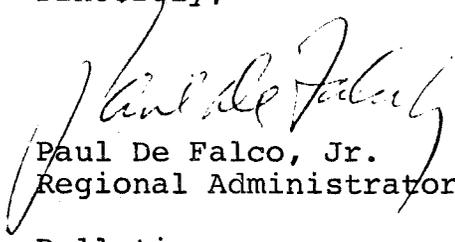
the Monterey Bay District determine that it is unwilling or unable to apply the more stringent federal regulation, it will so notify EPA. EPA, in consultation with the Air Resources Board and the Monterey Bay District, will then modify or revoke the terms of this delegation to the extent it determines to be appropriate.

9. If the Regional Administrator determines that a State or Monterey Bay Unified Air Pollution Control District procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Air Resources Board.

A Notice announcing this delegation will be published in the Federal Register in the near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the federal NSPS and NESHAPS by sources located in the Monterey Bay Unified District should be submitted to the District Office at 420 Church Street (P. O. Box 487), Salinas. Any such reports which have been or may be received by EPA, Region IX, will be promptly transmitted to the District.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State and District will be deemed to have accepted all of the terms of the delegation.

Sincerely,



Paul De Falco, Jr.
Regional Administrator

cc: Monterey Bay Unified Air Pollution
Control District