



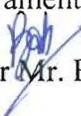
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

JUN 14 2011

Mr. Robert D. Fletcher  
Deputy Executive Officer  
California Air Resources Board  
1001 I Street  
Post Office Box 2815  
Sacramento, California 95812

Dear  Mr. Fletcher:

In response to your request dated May 10, 2011, the U.S. Environmental Protection Agency, Region 9 (the EPA) is delegating to Mojave Desert Air Quality Management District (Mojave Desert AQMD) the authority to implement and enforce the following New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs) as they existed on February 28, 2011. We have reviewed your request for delegation on behalf of Mojave Desert AQMD and have found their programs and procedures to be acceptable.

**NSPS**

- **40 CFR Part 60, Subpart A** – NSPS for General Provisions
- **40 CFR Part 60, Subpart D** – NSPS for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971
- **40 CFR Part 60, Subpart Da** – NSPS for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978
- **40 CFR Part 60, Subpart Db** – NSPS for Industrial-Commercial-Institutional Steam Generating Units
- **40 CFR Part 60, Subpart Dc** – NSPS for Small Industrial-Commercial-Institutional Steam Generating Units
- **40 CFR Part 60, Subpart E** – NSPS for Incinerators
- **40 CFR Part 60, Subpart Ea** – NSPS for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994
- **40 CFR Part 60, Subpart Eb** – NSPS for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996
- **40 CFR Part 60, Subpart Ec** – NSPS for Hospital/Medical/Infectious Waste Incinerators or Which Construction is Commenced After June 20, 1996
- **40 CFR Part 60, Subpart F** – NSPS for Portland Cement Plants
- **40 CFR Part 60, Subpart G** – NSPS for Nitric Acid Plants
- **40 CFR Part 60, Subpart H** – NSPS for Sulfuric Acid Plants
- **40 CFR Part 60, Subpart I** – NSPS for Hot Mix Asphalt Facilities
- **40 CFR Part 60, Subpart J** – NSPS for Petroleum Refineries

- **40 CFR Part 60, Subpart Ja** – NSPS for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007
- **40 CFR Part 60, Subpart K** – NSPS for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978
- **40 CFR Part 60, Subpart Ka** – NSPS for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984
- **40 CFR Part 60, Subpart Kb** – NSPS for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984
- **40 CFR Part 60, Subpart L** – NSPS for Secondary Lead Smelters
- **40 CFR Part 60, Subpart M** – NSPS for Secondary Brass and Bronze Production Plants
- **40 CFR Part 60, Subpart N** – NSPS for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973
- **40 CFR Part 60, Subpart Na** – NSPS for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983
- **40 CFR Part 60, Subpart O** – NSPS for Sewage Treatment Plants
- **40 CFR Part 60, Subpart P** – NSPS for Primary Copper Smelters
- **40 CFR Part 60, Subpart Q** – NSPS for Primary Zinc Smelters
- **40 CFR Part 60, Subpart R** – NSPS for Primary Lead Smelters
- **40 CFR Part 60, Subpart S** – NSPS for Primary Aluminum Reduction Plants
- **40 CFR Part 60, Subpart T** – NSPS for Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants
- **40 CFR Part 60, Subpart U** – NSPS for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants
- **40 CFR Part 60, Subpart V** – NSPS for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants
- **40 CFR Part 60, Subpart W** – NSPS for the Phosphate Fertilizer Industry: Triple Superphosphate Plants
- **40 CFR Part 60, Subpart X** – NSPS for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
- **40 CFR Part 60, Subpart Y** – NSPS for Coal Preparation and Processing Plants
- **40 CFR Part 60, Subpart Z** – NSPS for Ferroalloy Production Facilities
- **40 CFR Part 60, Subpart AA** – NSPS for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983
- **40 CFR Part 60, Subpart AAa** – NSPS for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983
- **40 CFR Part 60, Subpart BB** – NSPS for Kraft Pulp Mills
- **40 CFR Part 60, Subpart CC** – NSPS for Glass Manufacturing Plants
- **40 CFR Part 60, Subpart DD** – NSPS for Grain Elevators
- **40 CFR Part 60, Subpart EE** – NSPS for Surface Coating of Metal Furniture
- **40 CFR Part 60, Subpart GG** – NSPS for Stationary Gas Turbines
- **40 CFR Part 60, Subpart HH** – NSPS for Lime Manufacturing Plants
- **40 CFR Part 60, Subpart KK** – NSPS for Lead-Acid Battery Manufacturing Plants
- **40 CFR Part 60, Subpart LL** – NSPS for Metallic Mineral Processing Plants

- **40 CFR Part 60, Subpart MM** – NSPS for Automobile and Light-Duty Truck Surface Coating Operations
- **40 CFR Part 60, Subpart NN** – NSPS for Phosphate Rock Plants
- **40 CFR Part 60, Subpart PP** – NSPS for Ammonium Sulfate Manufacture
- **40 CFR Part 60, Subpart QQ** – NSPS for Graphic Arts Industry: Publication Rotogravure Printing
- **40 CFR Part 60, Subpart RR** – NSPS for Pressure Sensitive Tape and Label Surface Coating Operations
- **40 CFR Part 60, Subpart SS** – NSPS for Industrial Surface Coating: Large Appliances
- **40 CFR Part 60, Subpart TT** – NSPS for Metal Coil Surface Coating
- **40 CFR Part 60, Subpart UU** – NSPS for Asphalt Processing and Asphalt Roofing Manufacture
- **40 CFR Part 60, Subpart VV** – NSPS for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981m and on or Before November 7, 2006
- **40 CFR Part 60, Subpart VVa** – NSPS for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
- **40 CFR Part 60, Subpart WW** – NSPS for Beverage Can Surface Coating Industry
- **40 CFR Part 60, Subpart AAA** – NSPS for New Residential Wood Heaters
- **40 CFR Part 60, Subpart BBB** – NSPS for Rubber Tire Manufacturing Industry
- **40 CFR Part 60, Subpart DDD** – NSPS for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry
- **40 CFR Part 60, Subpart FFF** – NSPS for Flexible Vinyl And Urethane Coating and Printing
- **40 CFR Part 60, Subpart GGG** – NSPS for Equipment Leaks of VOC In Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006
- **40 CFR Part 60, Subpart GGGa** – NSPS for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
- **40 CFR Part 60, Subpart HHH** – NSPS for Synthetic Fiber Production Facilities
- **40 CFR Part 60, Subpart III** – NSPS for VOC Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes
- **40 CFR Part 60, Subpart JJJ** – NSPS for Petroleum Dry Cleaners
- **40 CFR Part 60, Subpart KKK** – NSPS for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants
- **40 CFR Part 60, Subpart LLL** – NSPS for Onshore Natural Gas Processing; SO2 Emissions
- **40 CFR Part 60, Subpart NNN** – NSPS for VOC Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations
- **40 CFR Part 60, Subpart OOO** – NSPS for Nonmetallic Mineral Processing Plants
- **40 CFR Part 60, Subpart PPP** – NSPS for Wool Fiberglass Insulation Manufacturing Plants
- **40 CFR Part 60, Subpart QQQ** – NSPS for VOC Emissions from Petroleum Refinery Wastewater Systems
- **40 CFR Part 60, Subpart RRR** – NSPS for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes

- **40 CFR Part 60, Subpart SSS** – NSPS for Magnetic Tape Coating Facilities
- **40 CFR Part 60, Subpart TTT** – NSPS for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
- **40 CFR Part 60, Subpart UUU** NSPS for Calciners and Dryers In Mineral Industries
- **40 CFR Part 60, Subpart VVV** – NSPS for Polymeric Coating of Supporting Substrates Facilities
- **40 CFR Part 60, Subpart WWW** – NSPS for Municipal Solid Waste Landfills
- **40 CFR Part 60, Subpart AAAA** – NSPS for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001
- **40 CFR Part 60, Subpart CCCC** – NSPS for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001
- **40 CFR Part 60, Subpart EEEE** – NSPS for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006
- **40 CFR Part 60, Subpart IIII** – NSPS for Stationary Compression Ignition Internal Combustion Engines
- **40 CFR Part 60, Subpart JJJJ** – NSPS for Stationary Spark Ignition Internal Combustion Engines
- **40 CFR Part 60, Subpart KKKK** – NSPS for Stationary Combustion Turbines

### NESHAPs

- **40 CFR Part 61, Subpart A** – NESHAPs for General Provisions
- **40 CFR Part 61, Subpart C** – NESHAPs for Beryllium
- **40 CFR Part 61, Subpart D** – NESHAPs for Beryllium Rocket Motor Firing
- **40 CFR Part 61, Subpart E** – NESHAP for Mercury
- **40 CFR Part 61, Subpart F** – NESHAPs for Vinyl Chloride
- **40 CFR Part 61, Subpart J** – NESHAPs for Equipment Leaks (Fugitive Emission Sources) of Benzene
- **40 CFR Part 61, Subpart L** – NESHAPs for Benzene Emissions from Coke By-Product Recovery Plants
- **40 CFR Part 61, Subpart M** – NESHAPs for Asbestos
- **40 CFR Part 61, Subpart N** – NESHAPs for Inorganic Arsenic Emissions from Glass Manufacturing Plants
- **40 CFR Part 61, Subpart O** – NESHAPs for Inorganic Arsenic Emissions from Primary Copper Smelters
- **40 CFR Part 61, Subpart P** – NESHAPs for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities
- **40 CFR Part 61, Subpart V** – NESHAPs for Equipment Leaks (Fugitive Emission Sources)
- **40 CFR Part 61, Subpart Y** – NESHAPs for Benzene Emissions from Benzene Storage Vessels
- **40 CFR Part 61, Subpart BB** – NESHAPs for Benzene Transfer Operation
- **40 CFR Part 61, Subpart FF** – NESHAPs for Benzene Waste Operations

However, as discussed in 67 FR 1676, the following provisions are not delegated under 40 CFR Parts 60 and 61 Subpart A.

- Provisions that address the EPA's authority to delegate to states are not being delegated because it is inappropriate to imply that states have authority to delegate to themselves. This includes 40 CFR 60.4(b), and 61.04(c); part 60, subpart B; and part 60 subpart C.
- Provisions that require federal oversight to ensure national consistency and EPA's ability to enforce the standards are not being delegated. This includes 40 CFR 61.05(c) and 61.11.
- Provisions that grant the EPA's discretion to approve modifications to test methods or protocols are not being delegated in order to ensure uniformity and technical quality in enforcement of national standards. This includes 40 CFR 60.8(b); 60.11(b); 60.13(a),(d)(2), and (g); and 60.13(i); (61.13(h)(1)(ii)); and 61.14(d) and (g)(1)(ii).
- Provisions that require rulemaking cannot be delegated because states cannot perform federal rulemaking. This includes 40 CFR 60.11(e) and 61.12(d).
- Provisions that address the EPA's obligation to make certain information available to the public do not apply to states under federal law and are not appropriate for delegation. This includes 40 CFR 60.9 and 61.16.

This delegation does not include the following:

- 40 Code of Federal Regulations Part 60, New Source Performance Standards Subparts B, C, Ca, Cb, Cc, Cd, Ce, BBBB, DDDD, FFFF, HHHH, which address Emission Guidelines and Compliance Times and thus are not delegated under Clean Air Act Section 111(c). To the extent that there are sources within the District that would be subject to these Subparts, the District should be developing regulations for submission to EPA as a Plan under 40 Code of Federal Regulations Part 60, Subpart B. The EPA notes that Subparts B, C, Ca, Cb, Cd, and Ce have been deleted from Rule 900.
- 40 Code of Federal Regulations Part 60, New Source Performance Standards Subpart XX, which addresses Bulk Gasoline Terminals, is not delegated until the EPA and the California Air Resources Board resolve some issues regarding the testing of tanks.
- 40 Code of Federal Regulations Part 61, NESHAPs Subparts B, H, I, K, Q, R, T and W, which addresses Radionuclides under the Clean Air Act, are not delegated until delegation procedures and requirements are developed. Prior to receiving delegation, agencies must demonstrate: a) appropriate radiation and associated expertise, or an official relationship with the state radiation program including the program's willingness to assist; b) appropriate enforcement authority; c) an approved fee schedule; and d) additional capabilities and authorities deemed necessary to maintaining an effective and sustainable program.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 Code of Federal Regulations Parts 60 and 61, including use of the EPA's test methods and procedures. As of

the effective date of this delegation, Mojave Desert AQMD will have primary authority to enforce the above standards. EPA will retain independent enforcement authority, and will exercise such authority in a manner consistent with the EPA's "Timely and Appropriate Enforcement Response to Significant Air Pollution Violators Guidance," and any revisions thereto, and our enforcement agreement. All notifications and reports required of sources by the above standards should be sent to Mojave Desert AQMD and our office. This delegation is effective upon the date of this letter unless the EPA receives written notice from you or the District of any objections within 10 days of receipt of this letter. The EPA will publish a future Federal Register notice to codify this delegation into the Code of Federal Regulations.

If you have any questions about this delegation, please call me at (415) 947-8715 or have your staff contact Cynthia Allen at (415) 947-4120.

Sincerely,



Deborah Jordan  
Director, Air Division

cc: Mr. Eldon Heaston  
Executive Director  
Mojave Desert AQMD

Mr. Mike Guzzetta, Manager  
Rule Evaluation Section  
Stationary Source Division