

31 JUL 1984

Mr. Charles Anders
 Assistant Director for Environmental
 Health Services
 Division of Environmental Health
 Arizona Department of Health Services
 State Health Building
 1740 West Adams Street
 Phoenix, AZ 85007

Dear Mr. Anders:

In response to your request of June 26, 1984, I am pleased to inform you that we are delegating to your agency authority to implement and enforce certain categories of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP). We have reviewed your request for delegation and have found your present programs and procedures to be acceptable with the exception of Subpart A, General Provisions. This delegation includes authority for the following source categories:

<u>NSPS</u>	40 CFR Part 60 <u>Subpart</u>
Storage Vessels for Petroleum Liquids Glass Manufacturing Plants	Ka CC
<u>NESHAPS</u>	40 CFR Part 60 <u>Subpart</u>
General Provisions	A

With regard to your Rule R9-3-801, paragraphs (1) and (3), for Subpart A, General Provisions, EPA cannot approve the substitution of "Director, Arizona Department of Health Services" for (EPA) "Administrator." This is because EPA cannot delegate certain sections of 40 CFR Part 60; namely, Sections 60.8(b)(2), 60.8(b)(3), and 60.11(e) of Subpart A. Section 60.8 applies to the approval of alternate and equivalent test methods. EPA must retain the authority to approve alternate and equivalent methods

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which effectively replace a reference test method. This restriction on delegation does not apply to 60.8(b)(1) which allows for approval of minor modifications to reference methods on a case-by-case basis. This authority allows a field engineer to approve deviations to methods that are necessary due to site-specific problems or circumstances. The Administrator also cannot delegate the authority to grant an alternative opacity standard under 60.11(e). Therefore, Rule No. R9-3-801 of the Arizona rules and regulations cannot be approved to be delegated.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Parts 60 and 61, including use of EPA approved test methods and procedures. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the Federal Register in the near future.

Sincerely,

ORIGINAL SIGNED BY:

JUDITH E. AYRES

Judith E. Ayres
Regional Administrator

Rose/LHill d-37 proj. 88
let/Anders NSS-52C
final 7/12/84
Rose 7-27-84