UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
215 Fremont Street
San Francisco, Ca. 94105

In Reply
Refer to: E-4-3
3-5-3

AUG 30 1979

Mr. Tom Austin
Executive Officer
California Air Resources Board
P.O. Box 2815
Sacramento CA 95812

Dear Mr. Austin:

This letter is in response to your request for delegation of authority for implementation and enforcement of the New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAPS) to the State of California on behalf of the various districts designated below. We have reviewed the pertinent laws of the State of California and the rules and regulations of each District, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the Districts and the State of California. Therefore, we hereby grant delegation for NSPS and NESHAPS to the State of California on behalf of the Districts mentioned in each section below, as of the date of this letter as follows:

A. Authority for all sources within the below named District subject to the general NSPS requirements as promulgated in 40 CFR Part 60, Subpart A and in effect on March 7, 1978 is delegated to the State of California on behalf of the Santa Barbara County Air Pollution Control District.

B. Authority for all sources within the below named Districts subject to the NSPS requirements for Fossil-Fuel Fired Steam Generators as promulgated in 40 CFR Part 60, Subpart D and in effect on March 7, 1978 is delegated to the State of California on behalf of the: South Coast Air Quality Management District for the Los Angeles and San Bernardino County Air Pollution Control Districts; Kern, San Diego, Santa Barbara, Great Basin Unified, Kings, Tulare, Merced, and Modoc County Air Pollution Control Districts.

C. Authority for all sources within the below named Districts subject to NSPS requirements as promulgated in 40 CFR Part 60, Subparts E through O and in effect on April 13, 1978 is delegated to the State of California on behalf of the: South Coast Air Quality Management District for the Los Angeles and San Bernardino County Air Pollution Control Districts; Santa Barbara, Great Basin Unified, Kings, Tulare, Merced, Modoc (Subparts E, F, and J only), Humboldt (Subpart J only), Ventura (Subpart J only) and Del Norte (Subpart J only) County Air Pollution Control Districts.

D. Authority for all sources within the below named Districts subject to NSPS requirements as promulgated in 40 CFR Part 60, Subparts P through S and in effect on July 25, 1977 is delegated to the State of California on behalf of the: Fresno, Humboldt, Monterey Bay Unified, San Joaquin, Santa Barbara, Del Norte, Northern Sonoma, Great Basin Unified, Kings, Tulare, Merced, Mendocino, and Trinity County Air Pollution Control Districts.

E. Authority for all sources within the below named Districts subject to the NSPS requirements as promulgated in 40 CFR Part 60, Subparts T through X and in effect on July 25, 1977 is delegated to the State of California on behalf of the: South Coast Air Quality Management District for the Los Angeles and San Bernardino Air Pollution Control Districts; Fresno, Monterey Bay Unified, San Joaquin, Santa Barbara, Ventura, Great Basin Unified, Kings, Tulare, and Merced County Air Pollution Control Districts.

F. Authority for all sources within the below named Districts subject to the NSPS requirements as promulgated in 40 CFR Part 60, Subparts Y and Z and in effect on September 7, 1977 is delegated to the State of California on behalf of the: Fresno, Humboldt, Monterey Bay Unified, San Joaquin, Santa Barbara, Ventura, Del Norte, Northern Sonoma, Great Basin Unified, Kings, Tulare, Merced, Mendocino, and Trinity County Air Pollution Control Districts.

G. Authority for all sources within the below named Districts subject to NSPS requirements concerning Steel plants: electric arc furnaces, as promulgated in 40 CFR Part 60, Subpart AA and in effect on September 7, 1977 is delegated to the State of California on behalf of the: South Coast Air Quality Management District; Fresno, Monterey Bay Unified, San Joaquin, Santa Barbara, Ventura, Kings, Tulare, and Merced County Air Pollution Control Districts.

H. Authority for all sources within the below named Districts subject to NSPS requirements concerning Kraft pulp mills as promulgated in 40 CFR Part 60, Subpart BB and in effect on February 23, 1978 is delegated to the State of California on behalf of the: Humboldt, Kern, San Joaquin, Del Norte, and Tulare County Air Pollution Control Districts.

I. Authority for all sources within the below named Districts subject to NSPS requirements concerning Grain elevators as promulgated in 40 CFR Part 60, Subpart DD and in effect on August 3, 1978 is delegated to the State of California on behalf of the: South Coast Air Quality Management District; Humboldt, Kern, and Del Norte County Air Pollution Control Districts.

J. Authority for all sources within the below named Districts subject to the NSPS requirements concerning Lime manufacturing plants as promulgated in 40 CFR Part 60, Subpart HH and in effect on March 7, 1978 is delegated to the State of California on behalf of the: Humboldt, Kern, San Joaquin, Santa Barbara, Del Norte, and Tulare County Air Pollution Control Districts.

K. Authority for all sources within the below named Districts subject to the NESHAPS general requirements as promulgated in 40 CFR Part 61, Subpart A and in effect on September 1, 1975 is delegated to the State of California on behalf of the: South Coast Air Quality Management District for the Los Angeles and San Bernardino County Air Pollution Control Districts; Tulare, Kings, Merced, Modoc, Great Basin Unified, Santa Barbara and Ventura County Air Pollution Control Districts.

L. Authority for all sources within the below named Districts subject to the NESHAPS requirements for control of asbestos as promulgated in 40 CFR Part 61, Subpart B and in effect on October 14, 1975 is delegated to the State of California on behalf of the: Kings, Merced, Great Basin Unified, San Diego, San Joaquin, Modoc, Monterey Bay Unified, and Fresno County Air Pollution Control Districts.

M. Authority for all sources within the below named Districts subject to the NESHAPS requirements for control of asbestos as promulgated in 40 CFR Part 61, Subpart B and in effect on June 19, 1978 is delegated to the State of California on behalf of the: South Coast Air Quality Management District; San Diego, Tulare and Kern County Air Pollution Control Districts.

N. Authority for all sources within the below named Districts subject to the NESHAPS requirements for control of beryllium and mercury as promulgated in 40 CFR Part 61, Subparts C, D, and E, in effect on October 14, 1975 is delegated to the State of California on behalf of the: South Coast Air Quality Management District; Kings, Merced, Fresno, Monterey Bay Unified, Tulare, Great Basin Unified, San Joaquin, Modoc and Santa Barbara Air Pollution Control District.

O. Authority for all sources within the below named Districts subject to the requirements for control of vinyl chloride as promulgated in 40 CFR Part 61, Subpart F in effect on June 7, 1977 is delegated to the State of California on behalf of the: Kern, Tulare, San Diego, Del Norte, Humboldt, Mendocino, Trinity, and San Joaquin County Air Pollution Control Districts.

This delegation covers all requests for delegation for NSPS and NESHAPS submitted by the Air Resources Board to the EPA through May 23, 1979.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to the EPA by the appropriate Districts through the State of California Air Resources Board. Such reports shall include, as a minimum, the following information:

a) The number of sources subject to NSPS and the number subject to NESHAPS.

b) The number of NSPS and NESHAPS sources inspected.

c) The number of sources subject to NSPS or NESHAPS determined in compliance with the standards and procedures or, if subject to a Waiver of Compliance, in compliance with the Waiver. Compliance determinations shall be conducted at least once annually by methods acceptable to the EPA.

d) The number of civil and criminal enforcement actions taken against NSPS or NESHAPS sources.

2. Enforcement of the NSPS and NESHAPS in the Districts will be the primary responsibility of the Districts and the State of California Air Resources Board. If any District or the State determines that such enforcement is not feasible and so notifies the EPA, or where any District or the State acts in a manner which the EPA determines to be inconsistent with this delegation, the EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act as amended with respect to sources within the Districts subject to the NSPS or NESHAPS.

3. Acceptance of this delegation of the NSPS and NESHAPS does not commit the State of California and/or the Districts to request or accept delegation of future NSPS or NESHAPS standards or regulations. Delegation of additional NSPS or NESHAPS standards and regulations, not hereby delegated, would require a new request for delegation.

4. The Districts will at no time grant a variance from compliance with the rules submitted for review which provide for compliance with the NSPS or NESHAPS delegated by this action. Should any District grant such a variance, the EPA will consider the source receiving the variance to be in violation of the Federal regulation and may initiate enforcement action against the source

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pursuant to Section 113 of the clean Air Act as amended. The granting of such variances by any District shall also constitute grounds for revocation of delegation by the EPA. If any District rule is more stringent than the applicable Federal regulation, the District may grant variances from the more stringent District regulation if such variances do not relieve the subject sources of the responsibility of complying with standards equally as stringent as those contained in the applicable Federal regulations.

5. The Districts will utilize only test methods specified in 40 CFR 60 and 61, current to date of the test, in performing source tests pursuant to their NSPS or NESHAPS regulations. Unless approved by the EPA as acceptable, use of test methods other than those contained in 40 CFR Part 60 or Part 61 for determining compliance shall constitute grounds for revocation. Any questions regarding current source test methods and "alternative" test methods shall be forwarded to the EPA, Region IX.

6. The Air Resources Board and the EPA will develop and maintain a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources in the affected Districts and regarding interpretation of applicable regulations.

7. If the Regional Administrator determines that the State's or any District's 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 the Notice of Revocation to the Air Resources Board.

8. As of the date of this delegation, sources subject to the NSPS or NESHAPS requirements located within the Districts are required to submit all reports pursuant to the NSPS or NESHAPS to the appropriate District and to the EPA, Region IX. However, on a source-by-source basis, a District may request that submittal of any reports or notifications of a

recurring nature (e.g., quarterly continuous monitoring reports) be submitted only to the District with the understanding that the EPA will be immediately notified by the District if the source fails to properly submit such reports or if such reports indicate violations of emission standards.

A notice announcing this delegation will be published in the Federal Register in the near future. This Notice will state, among other things, that, effective immediately all reports required pursuant to the Federal NSPS or NESHAPS requirements shall be submitted to the appropriate Districts as well as to the EPA, Region IX.

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

Sincerely yours,

Paul De Falco, Jr.
Regional Administrator

cc: South Coast AQMD, Great Basin Unified APCD
Kings County APCD, Monterey Bay Unified APCD
Merced County APCD, San Joaquin County APCD
Tulare County APCD, San Diego County APCD
Kern County APCD, Modoc County APCD
Santa Barbara County APCD, Del Norte County APCD
Humboldt County APCD, Mendocino County APCD
Ventura County APCD, Fresno County APCD
Northern Sonoma County APCD, Trinity County APCD