



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105

15 ^{May} ~~March~~ 2003

Michael H. Scheible
Deputy Executive Officer
California Air Resources Board
2020 L Street
P.O. Box 2815
Sacramento, CA 95812

Dear Mr. Scheible:

In response to your request of March 21, 2003, 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) on behalf of the **Kern County Air Pollution Control District (KCAPCD)**. We have reviewed your request for delegation and have found the KCAPCD's programs and procedures to be acceptable. This delegation includes authority for the following source categories:

<u>NSPS</u>	<u>40 CFR Part 60 Subpart</u>
General Provisions	A
Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971	D
Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978	Da
Industrial-Commercial-Institutional Steam Generating Units	Db
Small Industrial-Commercial-Institutional Steam Generating Units	Dc
Incinerators	E
Municipal Waste Combustors	Ea
Large Municipal Waste Combustor for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19,	

1996	Eb
Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996	Ec
Portland Cement Plants	F
Nitric Acid Plants	G
Sulfuric Acid Plants	H
Hot Mix Asphalt Facilities	I
Petroleum Refineries	J
Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978	K
Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984	Ka
Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction or Modification Commenced After July 23, 1984	Kb
Secondary Lead Smelters	L
Secondary Brass and Bronze Production Plants	M
Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973	N
Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983	Na
Sewage Treatment Plants	O
Primary Copper Smelters	P
Primary Zinc Smelters	Q
Primary Lead Smelters	R
Primary Aluminum Reduction Plants	S
Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants	T
Phosphate Fertilizer Industry: Superphosphoric Acid Plants	U
Phosphate Fertilizer Industry: Diammonium Phosphate Plants	V
Phosphate Fertilizer Industry: Triple Superphos- phate Plants	W
Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities	X
Coal Preparation Plants	Y

Ferroalloy Production Facilities	Z
Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983	AA
Steel Plants: Electric Arc Furnaces and Argon- Oxygen Decarburization Vessels Constructed After August 17, 1983	AAa
Kraft Pulp Mills	BB
Glass Manufacturing Plants	CC
Grain Elevators	DD
Surface Coating of Metal Furniture	EE
Stationary Gas Turbines	GG
Lime Manufacturing Plants	HH
Lead-Acid Battery Manufacturing Plants	KK
Metallic Mineral Processing Plants	LL
Automobile and Light-Duty Truck Surface Coating Operations	MM
Phosphate Rock Plants	NN
Ammonium Sulfate Manufacture	PP
Graphic Arts Industry: Publication Rotogravure Printing	QQ
Pressure Sensitive Tape and Label Surface Coating Operations	RR
Industrial Surface Coating: Large Appliances	SS
Metal Coil Surface Coating	TT
Asphalt Processing and Asphalt Roofing Manufacture	UU
Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry	VV
Beverage Can Surface Coating Industry	WW
New Residential Wood Heaters	AAA
Rubber Tire Manufacturing Industry	BBB
Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry	DDD
Flexible Vinyl And Urethane Coating and Printing	FFF
Equipment Leaks of VOC In Petroleum Refineries	GGG
Synthetic Fiber Production Facilities	HHH
VOC Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes	III
Petroleum Dry Cleaners	JJJ
Equipment Leaks of VOC From Onshore Natural Gas Processing Plants	KKK
Onshore Natural Gas Processing; SO2 Emissions	LLL

VOC Emissions from SOCOMI Distillation Operations	NNN
Nonmetallic Mineral Processing Plants	OOO
Wool Fiberglass Insulation Manufacturing Plants	PPP
VOC Emissions from Petroleum Refinery Wastewater Systems	QQQ
VOC Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes	RRR
Magnetic Tape Coating Facilities	SSS
Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines	TTT
Calciners and Dryers in Minerals Industries	UUU
Polymeric Coating of Supporting Substrates Facilities	VVV
Municipal Solid Waste Landfills	WWW
Small Municipal Waste Combustion Units for Which Combustion is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001	AAAA
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	CCCC

This delegation does not include the following:

(1) NSPS Subpart B which addresses 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.

(2) EPA is not delegating Emission Guidelines; Municipal Waste Combustors under the Clean Air Act of 1990 (NSPS Subparts C, Cb, Cc, Cd, and Ce). If the district would like to regulate these types of sources, it should develop a regulation and then submit it for incorporation into the State Implementation Plan, as part of the normal submittal process.

(3) NSPS Subpart XX, which addresses Bulk Gasoline Terminals, is not delegated until EPA and the California Air Resources Board resolve some issues regarding the testing of tanks.

(4) NSPS Subparts BBBB and DDDD which addresses Emission Guidelines and Compliance Times and thus are not delegated under CAA Sec.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 C.F.R. Part 60, Subpart B.

(5) The authority to make decisions that are likely to be nationally significant, or alter the

stringency of underlying standards, is not delegated to state or local agencies. As a result, EPA does not delegate the provisions listed in 40 CFR 60.4 (d).

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Part 60, including use of EPA's test methods and procedures. As of the effective date of this delegation, KCAPCD 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 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 you, with a copy to our office. The delegation is effective upon the date of this letter unless the U.S. EPA receives written notice from you or the District 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,


Jack P. Broadbent
Director, Air Division

cc: Thomas Paxson, APCO
Kern County APCD

Jorge L. Fernandez, Chief
Program Evaluation Branch

Mike Guzzetta, Manager
Rule Evaluation Section