

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
215 FREMONT STREET
SAN FRANCISCO, CALIFORNIA 94105

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Healy

In reply E-4-3
Refer to: ENF 3-5-3

William H. Lewis, Jr.
Executive Officer
California Air Resources Board
1709 Eleventh Street
Sacramento, California 95814

NOV 21 1977

Dear Mr. Lewis:

This is in response to your letters of July 21 and October 18, 1977 requesting delegation of authority on behalf of the San Diego County Air Pollution Control District (SDAPCD) to implement and enforce Standards of Performance for New Stationary Sources (NSPS) for the following categories of sources:

Incinerators (SDAPCD Rules 260.50-260.54)

Secondary Brass and Bronze Ingot Production Plants
(SDAPCD Rules 260.130-260.133)

In addition you requested delegation of authority to implement and enforce the National Emission Standards for Hazardous Air Pollutants for vinyl chloride (SDAPCD Rule 361.60-361.71).

We have reviewed the pertinent laws of the State of California and the rules and regulations of the SDAPCD and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the SDAPCD and the State of California. Therefore, we hereby delegate our authority, pursuant to Sections 111(c) and 112(d)(1) of the Clean Air Act, as amended, for implementation and enforcement of the NSPS and NESHAPS to the State of California on behalf of the SDAPCD as follows:

A. Authority for all sources located in the SDAPCD subject to the Standards of Performance for New Stationary Sources in the following two categories:

Incinerators (40 CFR 60, Subpart E)

Secondary Brass and Bronze Ingot Production Plants
(40 CFR 60, Subpart M)

- B. Authority for all sources located in the SDAPCD subject to the National Emission Standards for Hazardous Air Pollutants for vinyl chloride (40 CFR 61, Subpart F).

This delegation is based upon the following conditions:

1. All conditions contained in the letter of delegation dated November 8, 1976 from Paul De Falco, Jr., Regional Administrator to William H. Lewis, Jr., Executive Officer of the California Air Resources Board, are incorporated herein by reference and shall be fully effective as if they were set forth in full (except as provided below).
2. Reporting requirements contained in the EPA Air Grant to SDAPCD shall be followed in lieu of condition one (1) of that letter.
3. Condition four (4) of that letter is deleted.
4. Condition five (5) of that letter is revised as follows:
5. The SDAPCD will at no time grant a variance from compliance with SDAPCD Regulations X and XI 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. If a source is found to be in violation of a NESHAPS emission limitation, the SDAPCD or State of California should seek immediate correction of the violation. The hazardous nature of the substances regulated by NESHAPS dictates the need to seek immediate compliance rather than granting a variance. However, if the SDAPCD in the future amends Regulations X and XI so as to make the District regulation more stringent than the applicable Federal regulation, the 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.

A notice announcing this delegation will be published in the Federal Register. All reports required in 40 CFR Parts 60 and 61 will be required to be sent to the SDAPCD as well as to EPA, Region IX.

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

Sincerely,

Original signed by:

Paul De Falco, Jr.

Paul De Falco, Jr.

Regional Administrator

cc: San Diego Air Pollution Control District

bc: A-1

E-3-1

E-4-1

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