UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

SEP 24 2008

Ursula Kramer, Director
Pima County Department of
Environmental Quality
150 W. Congress Street
Tucson, AZ 85701

Dear Ms. Kramer:

We received your May 23, 2008, request for delegation of Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) pursuant to the Code of Federal Regulations, Title 40, (40 CFR) Parts 60, 61 and 63. In this letter, we are responding only to your request for delegation of 40 CFR Part 60 NSPS and Part 61 NESHAP. We will address your request regarding Part 63 MACT standards separately.

We have reviewed your request for delegation and have found your programs and procedures to be acceptable. As a result, the U.S. Environmental Protection Agency, Region 9 (EPA) is delegating to the Pima County Department of Environmental Quality (PDEQ) the authority to implement and enforce the following standards as they existed on February 1, 2008.

- 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 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 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 KKKK -- NSPS for Stationary Combustion Turbines.

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- Regarding any other 40 CFR Part 60 NSPS previously delegated to PDEQ, this letter is also delegating any amendments made to those NSPS as they existed on February 1, 2008.

- Regarding any other 40 CFR Part 61 NESHAP previously delegated to PDEQ, this letter is also delegating any amendments made to those NESHAP as they existed on February 1, 2008.

This delegation does not include the following:

- Provisions of 40 CFR 60 Subpart Da codifying EPA's regulations implementing the Clean Air Mercury Rule, because these regulations were vacated by the U.S. Court of Appeals for the District of Columbia Circuit in its February 8, 2008 decision (*see State of New Jersey, et al. v. EPA,* 517 F.3d 574, DC Cir. 2008) (mandate issued on March 14, 2008)."

- NSPS Subpart FFFF, which addresses emission guidelines and compliance times, is not delegated under CAA 111(c). To the extent that there are sources within the State that would be subject to this Subpart, the State should be developing regulations for submission to EPA as a Plan under 40 C.F.R. Part 60, Subpart B.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Parts 60 and 61, including use of EPA's test methods and procedures. As of the effective date of this delegation, PDEQ 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 our office. These delegations are effective upon the date of this letter unless the U.S. EPA receives written notice from you of any objections within 10 days of receipt of this letter. EPA will publish a future Federal Register notice to codify these delegations 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. Additional information on EPA's delegation to PDEQ can be found at http://yosemite.epa.gov/r9/r9nsps.nsf.

Sincerely,

Deborah Jordan
Director, Air Division

cc: Richard Grimaldi
PDEQ Deputy Director