



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

100 CALIFORNIA STREET  
SAN FRANCISCO, CALIFORNIA 94111

CERTIFIED MAIL NO. 704653  
RETURN RECEIPT REQUESTED

Mr. William Simmons, Executive Officer  
California Air Resources Board  
1709 - 11th Street  
Sacramento CA 95814

APR 4 1975

Dear Mr. Simmons:

This is in response to your letter of January 13, 1975, requesting delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of California on behalf of the Bay Area Air Pollution Control District.

We have reviewed the pertinent laws of the State of California and the rules and regulations of the Bay Area Air Pollution Control District, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the Bay Area Air Pollution Control District and the State of California. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of California on behalf of the Bay Area Air Pollution Control District as follows:

- A. Authority for all sources located in the Bay Area Air Pollution Control District subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 as of the date of delegation. The 12 categories of new sources covered by the delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.

- B. Authority for all sources located in the Bay Area Air Pollution Control District subject to the national emission standards for hazardous air pollutants promulgated in 40 CFR Part 61 as of the date of delegation. The 3 hazardous air pollutants covered by the delegation are asbestos; beryllium; and mercury.

This delegation is based upon the following conditions:

1. Semi-annual reports will be submitted to EPA by the Bay Area Air Pollution Control District through the Air Resources Board as specified in the State's Request for Delegation.
2. Enforcement of the NSPS and NESHAPS in the Bay Area Air Pollution Control District will be the primary responsibility of the District and the State of California Air Resources Board. If the District and State determine that such enforcement is not feasible and so notify EPA, or where the District or State act in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the Bay Area District subject to the NSPS and NESHAPS.
3. Acceptance of this delegation of presently-promulgated NSPS and NESHAPS does not commit the State of California and the Bay Area Air Pollution Control District to request or accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the State's Request of January 13, 1975.
4. The State of California and the Bay Area Air Pollution Control District are not requesting delegation of authority over federal facilities within the District which are subject to the NSPS and NESHAPS.
5. The Bay Area Air Pollution Control District will at no time grant a variance from compliance with

either Regulation 7 or Regulation 8 of the District. 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.

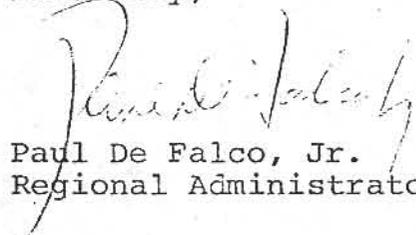
6. The Bay Area Air Pollution Control District will utilize the methods specified in 40 CFR Parts 60 and 61 in performing source tests pursuant to the regulations. However, the District, through the Air Resources Board, has also submitted to EPA for its evaluation certain test methods normally used by the District. EPA is proceeding with its evaluation of these District methods to determine whether they are acceptable for use as "alternative" test methods within the meaning of the federal NSPS regulations. When this evaluation is completed, EPA will promptly notify the State and District and provision will be made at that time for any modification of the terms of this delegation which may then be appropriate. Any use of test methods by the District, after delegation, not in accordance with the terms and conditions of this delegation shall constitute grounds for revocation of delegation by EPA.
7. The Air Resources Board and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources in the Bay Area District and regarding the interpretation of applicable regulations.
8. If at any time there is a conflict between a state or Bay Area Air Pollution Control District regulation and a federal regulation (40 CFR Part 60 or 61), the federal regulation must be applied if it is more stringent than that of the State or District.
9. If the Regional Administrator determines that a State or Bay Area Air Pollution Control District

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 part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Air Resources Board.

A Notice announcing this delegation will be published in the Federal Register in the near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the federal NSPS and NESHAPS by sources located in the Bay Area District should be submitted to the District Office at 939 Ellis Street, San Francisco. Any such reports which have been or may be received by EPA, Region IX, will be promptly transmitted to the District.

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

Sincerely,



Paul De Falco, Jr.  
Regional Administrator

cc: Bay Area Air Pollution  
Control District