



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

June 1, 2009

Michael H. Scheible
Deputy Executive Officer
California Air Resources Board
1001 I Street
P.O. Box 2815
Sacramento, CA 95812

Mike
Dear Mr. Scheible:

In response to your request dated April 30, 2009, the U.S. Environmental Protection Agency, Region 9 (EPA) is delegating to the San Diego County Air Pollution Control District (SDCAPCD) the authority to implement and enforce the following New Source Performance Standards (NSPS) as they existed on February 25, 2009. We have reviewed your request for delegation on behalf of SDCAPCD and have found their programs and procedures to be acceptable.

40 CFR Part 60, Subpart KKKK- NSPS for Stationary Combustion Turbines

Regarding any other 40 CFR Part 60 NSPS previously delegated to San Diego, this letter is also delegating any amendments made to those NSPS as of February 25, 2009.

However, as discussed in 67 FR 1676, the following provisions are not delegated under 40 CFR Part 60, Subpart A.

(1) Provisions that address 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. This includes 40 CFR 60.4(b).

(2) Provisions that grant EPA discretion to approve modifications to test methods or protocols are not being delegated in order to ensure uniformity and technical quality in enforcement of national standards. This includes 40 CFR 60.8(b); 60.11(b); 60.13(a), (d)(2), and (g); and 60.13(i).

(3) Provisions that require rulemaking cannot be delegated because states cannot perform federal rulemaking. This includes 40 CFR 60.11(e).

(4) Provisions that address EPA's obligation to make certain information available to the public do not apply to states under federal law and are not appropriate for delegation. This includes 40 CFR 60.9.

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, SDCAPCD 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 SDCAPCD and our office. These delegations are 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. 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.

Sincerely,



Deborah Jordan
Director, Air Division

cc: Robert Kard, APCO
San Diego County APCD

Jorge L. Fernandez, Chief
Program Evaluation Branch