

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
MULTIMEDIA PLANNING AND PERMITTING DIVISION  
1445 ROSS AVENUE  
DALLAS, TEXAS 75202



FAX #: (214) 665-7263



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TO: Rhonda Maddox, Air Enforcement Division

FAX #: (202) 564-0068

BUSINESS #: (202) 564-7026

PAGES TO FOLLOW: 2

FROM: Jeanne Schulze, Louisiana SIP Coordinator

BUSINESS #: (214) 665-7254

REMARKS:

SENT BY: jmm DATE: 5/22/97 TIME: 4:10

Rhonda,

Attached is a summary of the NSPS and NESHAP delegations in our region. Please note that, in Louisiana's case, the original delegation mechanism was automatic. A State court later determined that the State would have to promulgate its own rules (modeled after the Federal NSPS/NESHAPS) in order to have delegated authority to implement the standards.

However, as part of the State's Title V operating permits program submission, the State Attorney General determined that the State could incorporate by reference the Federal requirements into the State administrative code (vs. writing out entire State rules). As long as the State goes through notice-and-comment rulemaking (to IBR), the State can use IBR as the mechanism for obtaining delegated authority.

Louisiana has (this year) replaced its State NSPS and NESHAP regulations with IBR'd Federal NSPS/NESHAP rules (with the exception of the State's asbestos NESHAP rule, which is more stringent than the Federal rule). It intends to pursue incorporation by reference as the mechanism for obtaining delegated authority to implement/enforce the Federal NSPS/NESHAP regulations.

We are in the process of revising the NSPS/NESHAP delegation agreements to reflect IBR as the mechanism for obtaining delegated authority and hope to have this accomplished by the end of the fiscal year.

If you have any more questions, please contact me at (214) 665-7254.

Thanks,

A handwritten signature in cursive script, appearing to read "Jeanne Schulze".

Jeanne Schulze  
(214) 665-7254