

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MAR 25 1982

CERTIFIED MAIL - RETURN RECEIPT REQUESTED P 333 905 999

Joan K. Leavitt, M.D.
 Commissioner of Health
 Oklahoma State Department of Health
 N.E. 10th and Stonewall
 Oklahoma City, Oklahoma 73105

Dear Dr. Leavitt:

This is in response to Mr. John Gallion's letter of December 18, 1980, requesting delegation of authority for implementation and enforcement of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) to the Oklahoma State Department of Health (OSDH). We have determined that the proposed procedures are adequate and effective for the implementation and enforcement of the NSPS and NESHAP by the OSDH in the State of Oklahoma. The terms and conditions of the delegation of authority for transferring the NSPS and NESHAP responsibility to the State of Oklahoma are stated in the enclosed delegation provisions.

Since this delegation becomes effective on the date of this letter, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State of Oklahoma written notice of objection within ten (10) days of the date of receipt of this letter, we will assume that the State of Oklahoma has accepted all of the terms of the delegation.

If you have any questions concerning the provisions of the NSPS and NESHAP delegation of authority, please feel free to contact me.

Sincerely yours,

/s/ Frances E. Phillips for

bcc: L. WATSON (6ORC)
 R. CLARK (6AW-AE)
 J. HEPOLA (6AW-AP)
 J. BUNYAK (6AW-AT)
 B. TAYLOR (6AW-AT)

Dick Whittington, P.E.
 Regional Administrator

Enclosure

6AW-AT:J BUNYAK:cjd:x1594:1/20/82;REVISED:1/28/82

CONCURRENCES

SYMBOL	6AW-AT	6ORC	6AW-A	6AW				
SURNAME	TAYLOR	WATSON	DIVITA	DAVIS				
DATE	1/28/82	2/10/82	2/10/82	2/10/82				

cc: Honorable George Nigh
Governor of Oklahoma
State Capitol
Oklahoma City, Oklahoma 73105

Mr. Mark Coleman
Deputy Commissioner for Environmental
Health Services
Oklahoma State Department of Health
P. O. Box 53551
Oklahoma City, Oklahoma 73152

Mr. John Drake
Acting Chief
Air Quality Service
P. O. Box 53551
Oklahoma City, Oklahoma 73152

PROVISIONS
for
IMPLEMENTATION AND ENFORCEMENT
of
NEW SOURCE PERFORMANCE STANDARDS (NSPS)
and
NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP)
in the
STATE OF OKLAHOMA
(40 CFR PART 60 AND 40 CFR PART 61)
EFFECTIVE DATE: MAR 25 1982

Introduction

On December 18, 1980, the Oklahoma State Department of Health (OSDH) requested the Environmental Protection Agency (EPA) to delegate the authority for implementation and enforcement of the NSPS and NESHAP, 40 CFR Part 60 and 40 CFR Part 61, respectively, in the State of Oklahoma. Subsequently, the pertinent laws of the State of Oklahoma and the rules and regulations of the OSDH were reviewed by EPA and have been found to provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAP programs by the OSDH and the State of Oklahoma. The resources and capabilities of the OSDH have been found to be adequate to implement and enforce the programs.

Therefore, by virtue of authority granted by the Administrator, I hereby delegate authority to the OSDH to implement and enforce the NSPS and NESHAP pursuant to Sections 111(c) and 112(d), respectively, of the Clean Air Act and subject to the conditions and limitations stated in the provisions. Except as specifically limited and stated in the provisions, all of the authority and responsibilities of the Administrator or the Regional Administrator which are found in 40 CFR Part 60 and 40 CFR Part 61 as of the date of this agreement and subsequent future standards and requirements are delegated to the OSDH. Any of such authority and responsibilities may be redelegated by the Department to its Director or staff.

Specific Provisions

The delegation of authority for implementation and enforcement of the NSPS and the NESHAP is based on the following provisions.

1. The OSDH is authorized to assume NSPS and NESHAP responsibility for future standards and requirements without making a written request to EPA, subject to the delegation conditions and terms as set forth in this agreement.

2. EPA, Region 6, retains enforcement authority over NSPS and NESHAP subject sources constructed or modified prior to the effective date of this delegation. However, technical and administrative duties for such sources are delegated to the OSDH. Such duties shall include, but not be limited to, performance of inspections, and observance and evaluation of stack tests and continuous emission monitor tests.

3. Acceptance of this delegation constitutes agreement by the OSDH to follow all interpretations, past and future, made by EPA of 40 CFR Part 60 and 40 CFR Part 61 including determinations of applicability.

4. Authority is delegated to approve minor modifications to the reference test methods during either a pre-test meeting or the actual sampling period. These minor modifications would have to produce results essentially identical to the reference method results. Approval of these minor modifications should be based on sound engineering judgement. Under no circumstances are modifications to be used which might result in the non-uniform application of the standards.

5. If a claim of confidentiality or any other reason should ever legally prevent the State of Oklahoma and the OSDH from providing to EPA any and all information required by or pertaining to the implementation or enforcement of NSPS or NESHAP, the OSDH shall, upon request, assist EPA, Region 6, in obtaining that information directly from the source. As a minimum, such assistance shall consist of providing to EPA an identification of the nature of the information withheld, adequate to allow EPA to identify to the source the information which is to be sent directly to EPA, Region 6.

6. All matters in process at the time of delegation of authority may be processed through to completion by EPA, Region 6, or may, at the request of the OSDH and at the discretion of EPA, Region 6, be transferred to the OSDH for completion. Appropriate reproduction of pertinent file material in the EPA, Region 6, files in relation to source regulation under NSPS and NESHAP shall be provided through mutual cooperation of the staffs of the respective offices.

A notice of 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 NESHAP by sources located in the State of Oklahoma should be submitted to the Oklahoma State Department of Health, Air Quality Service, P. O. Box 53551, Oklahoma City, Oklahoma 73152. Any such reports which have been or

may be received by EPA, Region 6, after effective date of this delegation,
will be promptly transmitted to the OSDH.

/s/ Frances E. Phillips for

MAR 25 1982

Dick Whittington, P.E.
Regional Administrator
Region 6
U.S. Environmental Protection Agency
Dallas, Texas

Date