

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
MULTIMEDIA PLANNING AND PERMITTING DIVISION
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FROM: Jeanne Schulze, Louisiana SIP Coordinator

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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,



Jeanne Schulze
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