



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

AUG 9 1982

5AMD

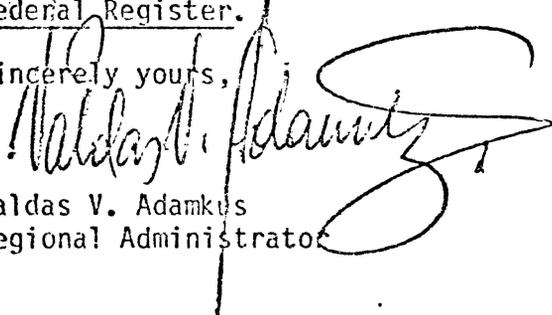
Richard J. Carlson, Director
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Dear Mr. Carlson:

Attached are two copies of the agreement between the U.S. Environmental Protection Agency and the Illinois Environmental Protection Agency setting forth the terms and conditions of implementing the New Source Performance, National Emission Standards for Hazardous Air Pollutants, and the Inspection, Monitoring and Entry programs. We retyped the copy which you forwarded to me on July 14, 1982 in order to make minor changes related to a regulation citation in item 5, page 1.

If you will sign and return a copy to me, we will publish the agreement in the Federal Register.

Sincerely yours,


Valdas V. Adamkus
Regional Administrator

EPA5P IN002330

Joint USEPA - IEPA Agreement for Delegation of Authority for
New Source Performance Standard (Section 111), National Emission
Standards for Hazardous Air Pollutants (Section 112), and Inspection,
Monitoring, and Entry (Section 114)

The undersigned, on behalf of the Illinois Environmental Protection Agency (IEPA) and the United States Environmental Protection Agency (USEPA), hereby agree that the State of Illinois will have primary responsibilities to implement and enforce the New Source Performance Standard (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP), and authority for Inspection, Monitoring, and Entry of Emission Sources. This agreement authorizes IEPA to act on behalf of USEPA for implementing and enforcing the monitoring, recordkeeping, and reporting requirements under Sections 111, 112, and 114 of the Clean Air Act, and also authorizes IEPA to enter facilities on behalf of USEPA for any necessary record copying, observation, inspection, or sampling under Section 114 of the Clean Air Act. This agreement covers all emission sources in Illinois which are subject to Sections 111, 112, or 114.

This agreement is subject to the terms and conditions set forth below. This agreement is executed in accordance with Sections 111(c), 112(d) and 114(b) of the Clean Air Act (CAA), as amended.

General

1. The IEPA shall notify owners of sources which may be subject to NSPS or NESHAP requirements that authority has been delegated to the State of Illinois and that reports need now be sent only to IEPA.
2. The IEPA shall respond to any requests for "Determination of Construction or Modifications" (40 CFR 60.5 and 40 CFR 61.06) by sources in Illinois within 30 days of receipt of the request.
3. The IEPA shall review plans for modification, reconstruction, or construction of affected sources under this delegation as an integral part of the IEPA permit program.
4. The IEPA shall condition permits issued under this delegation to highlight the applicable requirement of 40 CFR Part 60 and 40 CFR Part 61 for notification, recordkeeping, emission tests, performance tests and monitoring.
5. The IEPA shall have the authority to waive performance tests on a case-by-case basis in accordance with 40 CFR 60.8(b)(4) and emission tests in accordance with 40 CFR 61.13. However, for purposes of national consistency, the IEPA must receive specific approval from USEPA before IEPA implements the authority in 40 CFR 60.8(b) to alter test methods.
6. The IEPA shall make recommendations to the Illinois Pollution Control Board on requests for variances from NSPS for innovative technology (Section 111(j) of the Clean Air Act) and from NESHAP for installation of controls (Section 112(c)(1)(B)(ii) of the Clean Air Act), and provide USEPA with a notification of the variance action.

7. The IEPA shall receive notifications from permittees for affected sources pursuant to the notification requirements contained in 40 CFR 60.7 and 40 CFR 61.09.

The IEPA shall receive information from owners of existing sources who report in accordance with 40 CFR 61.10.

8. The IEPA shall observe the performance tests and emission tests for affected sources pursuant to 40 CFR 60.8, 40 CFR 61.12, and Appendix B of 40 CFR 61.
9. The IEPA shall conduct field investigations for sources in Illinois which are subject to 40 CFR Part 60 and 40 CFR Part 61. The Investigations will include verification of whether the recordkeeping requirements of 40 CFR 60.7(d) and the monitoring requirements of 40 CFR 60.13 and 40 CFR 61.12 are being met, and whether the source remains in compliance with the applicable emission standard. The IEPA shall conduct such field investigations in accordance with general Agency strategies, priorities and resources, which are subject to USEPA review as part of the annual program planning process.
10. The IEPA shall provide a quarterly report to USEPA, listing the following for sources covered by this Agreement:
 - a. The applicable standard and, if subject to NESHAP, the particular process involved, and
 - b. compliance status.
11. The IEPA shall keep adequate records of all actions performed under this Agreement for a period of at least three (3) years and shall provide USEPA with access to those records. Such actions shall include data from performance tests, data and information gathered under Section 114(b) authority, and applicability determinations. In order to avoid duplication of records, copies of these records will not be forwarded to USEPA unless specifically requested by the USEPA.
12. This delegation does not include the Administrator's responsibility for establishing the opacity standard set forth in 40 CFR 60.11(e)(4).
13. Any authority delegated under CAA Sections 111(c), 112(d) and 114(b) may not be redelegated to any party including local agencies and contractors without the approval of the Regional Administrator.
14. The use of CAA Section 114 authority shall be in accordance with Sections 7 and 7.1 of the Illinois Environmental Protection Act and the regulations adopted pursuant thereto.

Enforcement

1. IEPA will notify USEPA through its regular quarterly compliance status report of violations of NSPS and NESHAP (Sections 111 and 112 of the Clean Air Act, respectively). This notification will contain a proposed resolution of the violation, with a date for final compliance or referral to the Attorney General for litigation, if the Agency determines that litigation is warranted.
2. If USEPA requires information for any particular violation listed on the quarterly report, USEPA will request additional information from IEPA. IEPA shall provide information on its enforcement strategy for the violation in question.
3. The USEPA shall review the IEPA strategy for resolution of a violation and will not initiate any enforcement action until IEPA has been consulted.

The USEPA shall not commence any enforcement action unless IEPA fails, after consultation and reasonable opportunity, to enforce NSPS and NESHAP in a manner consistent with Section 113 of the Clean Air Act.

4. The IEPA shall refer enforcement cases to the Attorney General for repeated or continued operation of sources in violation of the NSPS or NESHAP and provide USEPA with a notification of the referral action.

Supervision

1. The USEPA shall examine the procedures used by the IEPA to implement the provision of 40 CFR Part 60 and 61 at times mutually agreeable to both agencies.
2. USEPA shall advise IEPA of any deficiencies in the IEPA administration of this agreement in writing. USEPA shall then provide IEPA with an opportunity to respond, prior to taking action on any deficiencies which may be discovered during the examination of procedures.
3. In disputes between the IEPA and the Regional Office of the USEPA, the IEPA may pursue resolution with higher levels within the USEPA.

Terms of Delegation

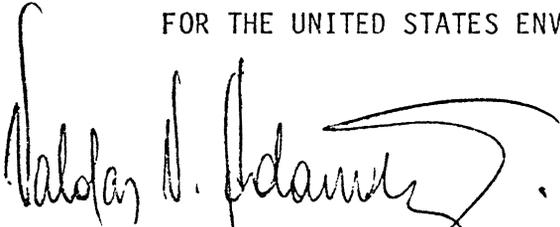
1. This delegation is effective thirty (30) days from the date of execution of this Agreement and shall remain in effect until it is terminated by either party or revoked by the USEPA.

This delegation may be terminated in part or in whole by either party, provided thirty (30) days written notice is given to the other party.

In the event that IEPA fails to carry out its responsibility under this Agreement, the USEPA may revoke this delegation immediately in part or in whole, after consultation with the IEPA. Such revocation shall be effective as of the date of written notice of such revocation to the IEPA.

2. Any reference to the CFR, as used in the delegation request and this Agreement, includes such NSPS and NESHAP regulations as are in effect on the date this Agreement is executed, and any additions or revision to the NSPS and NESHAP regulations which are promulgated after that date, subject to the following conditions:
 - a. The IEPA shall notify the USEPA of the Illinois Pollution Control Board's (IPCB) promulgation of any NSPS or NESHAP for which the IEPA will be unable to accept authority, or changes to State statute, or regulations which prevent the IEPA from acting under this agreement. Any such NSPS or NESHAP shall not be covered by this agreement, and
 - b. The IEPA shall notify the USEPA in writing of the adoption by the IPCB of NSPS and NESHAP regulations which are not identical with the provisions of the CFR. In such circumstances, the IEPA will enforce the IPCB's regulations.
3. This delegation may be amended at any time by a formal written Agreement of both parties, including an amendment to add, change or remove conditions or terms of this Agreement.

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



Valdas V. Adamkus
Regional Administrator, Region V
U.S. Environmental Protection Agency

AUG 9 1982

Date

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Richard J. Carlson, Director
Illinois Environmental Protection Agency

8-17-82

Date