

MAR 29 1982

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CERTIFIED MAIL RETURN
RECEIPT REQUESTED

Robert P. Miller; Chief
Air Quality Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909

Dear Mr. Miller:

This is in response to your letter of January 4, 1982, requesting delegation of authority for implementation and enforcement of the New Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of Michigan.

We have reviewed the pertinent procedures and supporting regulations of the State of Michigan and have determined that the State has an adequate program for the implementation and enforcement of the NSPS and NESHAPS. Therefore, in accordance with Clean Air Act Sections 111(c) and 112(d) and subject to the specific terms and conditions set forth below, the U.S. Environmental Protection Agency (USEPA) hereby delegates authority to the State of Michigan to implement and enforce the NSPS and NESHAPS as follows:

- A. Authority for all sources located in the State of Michigan subject to the NSPS promulgated in 40 CFR Part 60 as of January 4, 1982. This delegation includes the source categories in Subpart D, Da, E, F, G, H, I, J, K, Ka, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, GG, HH, MM, and PP.
- B. Authority for all sources located in the State of Michigan subject to the NESHAPS promulgated in 40 CFR Part 61 as of January 4, 1982. This delegation includes the pollutant categories of asbestos, beryllium, mercury, and vinyl chloride in Subparts B, C, D, E, and F.

This delegation of authority for NSPS and NESHAPS supersedes the previous statewide delegations of November 5, 1975, and is subject to the following terms and conditions:

1. Granting this delegation does not obligate the USEPA to delegate authority for implementation and enforcement of additional NSPS or NESHAPS if other standards are promulgated. In addition, acceptance of this delegation of presently promulgated NSPS and NESHAPS does not commit the State of Michigan to request or accept delegation of future standards and requirements. A new request for delegation and another USEPA review will be required before any standards or requirements not included in the State's request of January 4, 1982, will be delegated.

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2. Upon approval of the Regional Administrator of Region V, the Executive Secretary of the Michigan Air Pollution Control Commission may subdelegate this authority to implement and enforce the NSPS and NESHAPS to other air pollution authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.
3. This delegation does not include the Administrator's responsibility to establish opacity standards as set forth in 40 CFR 60.11(e)(4).
4. The State of Michigan will at no time grant a waiver of compliance with NESHAPS.
5. The Federal NSPS regulations in 40 CFR Part 60, as amended, do not have provisions for granting waivers by class of testing requirements or variances, hence this delegation does not convey to the State of Michigan authority to grant waivers by class of testing requirements or variances from NSPS regulations.
6. The State of Michigan will utilize the methods specified in appendices and Subparts of 40 CFR Parts 60 and 61 in performing source tests pursuant to the regulations.
7. Enforcement of NSPS and NESHAPS in the State of Michigan will be the primary responsibility of the State of Michigan. If, after appropriate discussion with the Air Quality Division, the Regional Administrator determines that a State procedure for implementing and enforcing the NSPS or NESHAPS is not in compliance with Federal regulations (40 CFR Parts 60 and 61), or is not being effectively carried out, this delegation will be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Chief of the Air Quality Division.
8. The Air Quality Division and the USEPA Region V will develop a system of communication for the purpose of insuring that each office is informed on (a) the current compliance status of subject sources in the State of Michigan; (b) the interpretation of applicable regulations; and (c) the description of sources and source inventory data. The reporting provisions in 40 CFR Sections 60.4 and 61.04 requiring industry to make submission to the USEPA are met by sending such submissions to the State. The State will make available this information to the USEPA on a case-by-case basis.
9. Prior USEPA concurrence is to be obtained on any matter involving the interpretation of Sections 111 or 112 of the Clean Air Act or 40 CFR to the extent that application, implementation, administration, or enforcement of these sections have not been covered by determinations or guidance sent to the Air Quality Division. This concurrence request includes the innovative technology waivers authorized in Section 111(j) of the Clean Air Act.

10. If the State of Michigan determines that a violation of a delegated NSPS or NESHAPS exists, the Air Quality Division shall immediately notify EPA, Region V, of the nature of the violation together with a brief description of the State's efforts or strategy to secure compliance.

A notice announcing this delegation will be published in the Federal Register in the near future. This delegation becomes effective as of the date of this letter and, unless the USEPA receives written notice from the Air Quality Division of objections within 10 days of the receipt of this letter, it will be decided that the State has accepted all the terms and conditions of this delegation.

Sincerely yours,

Valdas V. Adankus
Regional Administrator

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