

CERTIFIED MAIL RETURN
RECEIPT REQUESTED

AUG 9 1982

Wayne S. Nichols, Director
Ohio Environmental Protection Agency
361 E. Broad Street
Columbus, Ohio 43216

Dear Mr. Nichols:

The purpose of this letter is to delegate to the State of Ohio the enforcement authority for additional source categories of the new source performance standards (NSPS) and to delegate for the first time to Ohio Environmental Protection Agency (OEPA) the authority for the National Emission Standards for Hazardous Air Pollutants (NESHAPS). The authority for the NSPS program had been previously delegated to Ohio based upon requests dated June 3, 1976, October 3, 1979, and May 12, 1980, and is hereby being amended based on the most recent request of June 8, 1982. The authority for the NESHAPS program was requested on June 2, 1982 and is hereby being delegated for the first time.

We have reviewed the pertinent procedures and supporting regulations of the State of Ohio and have determined that the State has an adequate program for the implementation and enforcement of the NSPS and NESHAPS. Therefore, in accordance with the 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 Ohio to implement and enforce the NSPS and NESHAPS as follows:

- A. Authority for all sources located or to be located in the State of Ohio subject to the NSPS promulgated in 40 CFR Part 60. This delegated authority includes all future standards promulgated for additional pollutants and source categories and all revisions and amendments to existing and future standards.
- B. Authority for all sources located or to be located in the State of Ohio subject to the NESHAPS promulgated in 40 CFR Part 61. This delegation includes all future standards promulgated for additional pollutants and source categories and all revisions and amendments to existing and future standards.
- C. This delegation of authority supersedes all other NSPS and NESHAPS delegations made to agencies in Ohio, and is subject to the following terms and conditions:
 1. Upon approval of the Regional Administrator of Region V, the Director of OEPA 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 an equivalent or more stringent program in force.

2. This delegation does not include the Administrator's responsibility to establish opacity standards as set forth in 40 CFR 60.11(e)(4).
3. The State of Ohio will at no time grant a waiver of compliance with NESHAPS.
4. 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 Ohio authority to grant waivers by class of testing requirements or variances from NSPS regulations.
5. The State of Ohio will utilize the methods specified in appendices and Subparts of 40 CFR Parts 60 and 61 in performing source tests required by the regulations.
6. Enforcement of NSPS and NESHAPS in the State of Ohio will be the primary responsibility of the State of Ohio. If, after appropriate discussion with the OEPA, 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 after a 30-day notification. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Director of OEPA.
7. The OEPA 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 Ohio; (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.
8. 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 Parts 60 and 61 to the extent that application, implementation, administration, or enforcement of these sections have not been covered by determinations or guidance sent to the OEPA. This concurrence request includes the innovative technology waivers authorized in Section 111(j) of the Clean Air Act.
9. If the State of Ohio determines that a violation of a delegated NSPS or NESHAPS exists, OEPA 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 OEPA of objections within 10 days of the receipt of this letter, it will be deemed that the State has accepted all the terms and conditions of this delegation.

Sincerely yours,

/s/ original signed by
Valdas V. Adamkus

Valdas V. Adamkus
Regional Administrator