



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5 230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

ARB
Ren V.M.

stop by +

REPLY TO ATTENTION OF:

5AR-26

tell me why we need it this

Thomally
Ken

JAN 10 1985

Mr. Robert H. Maynard, Director Ohio Environmental Protection Agency P.O. Box 1049 Columbus, Ohio 43216

Dear Mr. Maynard:

This letter transmits to you the Delegation of Authority which allows the State of Ohio to implement and enforce the New Source Performance Standards (NSPS), and the National Emission Standards for Hazardous Air Pollutants (NESHAPS).

The U.S. Environmental Protection Agency (USEPA) has reviewed the pertinent procedures and supporting regulations of the State of Ohio, and has determined that the State has an adequate program for the implementation and enforcement of the NSPS and NESHAPS.

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 the Delegation of Authority; and, unless the USEPA receives written notice from the Ohio Environmental Protection Agency 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.

We trust that this amended delegation will provide for a more efficient NSPS and NESHAPS enforcement program in Ohio.

Sincerely yours,

Valdas V. Adamkus (handwritten signature)

Valdas V. Adamkus Regional Administrator

Enclosures

DELEGATION OF AUTHORITY
NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

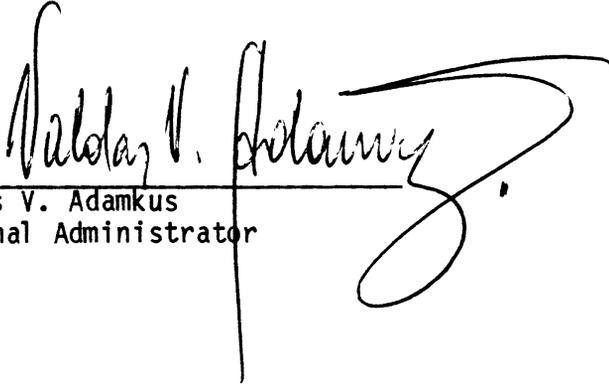
In accordance with Section 112(d) of the Clean Air Act (CAA) and subject to the specific terms and conditions set forth below, the United States Environmental Protection Agency (USEPA) hereby delegates authority to the State of Ohio to implement and to enforce the national emission standards for hazardous air pollutants (NESHAP) as follows:

- A. Authority for all sources located or to be located in the State of Ohio which are 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.
- B. This delegation of authority for NESHAPS supersedes the previous statewide delegation of August 9, 1982, and is subject to the following terms and conditions:
 1. Certain provisions of the Clean Air Act and NESHAPS involve the setting of emission limits or standards. These provisions as listed below cannot be delegated and are reserved for the Administrator of USEPA.
 - a. The approval of equivalency for design, equipment, work practice or operational standard that will achieve an equivalent reduction in emissions as allowed for in CAA, Section 112(e).
 - b. The approval of equivalent or alternative test methods as provided for in 40 CFR §61.14.
 2. Prior USEPA concurrence is to be obtained on any matter involving the interpretation of Section 112 of the CAA or 40 CFR Parts 61 to the extent that implementation, administration, or enforcement of these provisions have not been covered by determinations or guidance sent to the Ohio Environmental Protection Agency. All applicability determinations which have not been specifically treated in the compendium of applicability determinations issued by USEPA are reserved for USEPA. Any applicability determination made by the Ohio Environmental Protection Agency, based on a prior USEPA determination, must be submitted to USEPA.
 3. The State of Ohio will at no time grant a waiver of compliance with NESHAPS, except as provided for in Item 14.
 4. At no time shall the State of Ohio enforce a State NESHAPS regulation less stringent than the Federal requirements for NESHAPS.
 5. The following provisions are included in this delegation and can only be exercised on a case-by-case basis. When any of these authorities are exercised, the State must notify USEPA, Region V:

- a. Authorization of both the use of wet collectors in accordance with 40 CFR §61.23(b), and also the use of filtering equipment as explained in 40 CFR §61.23(c).
- b. Approval of sampling techniques as specified in 40 CFR §61.43(a).
6. The State of Ohio will require the utilization of test methods and procedures and emission monitoring procedures specified in appendices and Subparts of 40 CFR Part 61 for the performance of tests and emission monitoring, pursuant to 40 CFR §61.12.
7. Enforcement of NESHAPS in the State of Ohio will be the primary responsibility of the State of Ohio. If, after appropriate discussion with the Ohio Environmental Protection Agency, the Regional Administrator determines that a State procedure for implementing or enforcing the NESHAPS is not in compliance with Federal regulations (40 CFR Part 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 Ohio Environmental Protection Agency.
8. If the State of Ohio determines that a violation of a delegated NESHAPS exists, the Ohio Environmental Protection Agency shall, within 30 days, notify USEPA, Region V, of the nature of the violation, together with a brief description of the State's efforts or strategy to secure compliance. Furthermore, if the State determines that it is unable to enforce a NESHAPS, the State shall immediately notify USEPA, Region V. This delegation in no way limits the Administrator's concurrent enforcement authority as provided in Section 112(d)(2) of the CAA.
9. Since the Ohio Environmental Protection Agency is the primary enforcement agency for the NESHAPS, the notifications and reporting required under 40 CFR Part 61 shall be directed to the Ohio Environmental Protection Agency.
10. The Ohio Environmental Protection Agency 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 §61.04 requiring industry to make submissions to the USEPA are met by sending such submissions to the Ohio Environmental Protection Agency. The Ohio Environmental Protection Agency will make available this information to the USEPA on a case-by-case basis. Ohio's reports, submitted to USEPA, pursuant to 40 CFR Part 51 Subpart Q, will include information relating to the status of sources subject to 40 CFR Part 61. At a minimum, the following information should be provided: the name, address, type and size of each facility, date facility commenced operation, dates of most recent performance test, compliance status of

each facility and explanation of non-compliance where applicable, surveillance actions undertaken, and results of all reports relating emissions data.

11. If the State of Ohio determines that, for any reason, including budget reductions, it is unable to administer any new NESHAPS, the Ohio Environmental Protection Agency will notify the Regional Administrator. Upon such notification by the State, the primary enforcement responsibility for such new standards will return to the USEPA.
12. Upon approval by the Regional Administrator of Region V, the Ohio Environmental Protection Agency may subdelegate this authority to implement and to enforce the NESHAPS to another air pollution authority in the State, when such authority has demonstrated that it has an equivalent or more stringent program in force.
13. If the State has not adopted a NESHAPS as a State rule, then the appropriate standards, testing, monitoring, and reporting requirements are to be placed as conditions on construction and operating permits issued to sources subject to NESHAPS.
14. The State of Ohio is delegated the authority to grant waivers of compliance as provided in 40 CFR §61.11 for new NESHAPS.



Valdas V. Adamkus
Regional Administrator

JANUARY 10th, 1985
Date

DELEGATION OF AUTHORITY
NEW SOURCE PERFORMANCE STANDARDS

In accordance with Section 111(c) of the Clean Air Act (CAA) and subject to the specific terms and conditions set forth below, the United States Environmental Protection Agency (USEPA) hereby delegates authority to the State of Ohio to implement and to enforce the new source performance standards (NSPS) as follows:

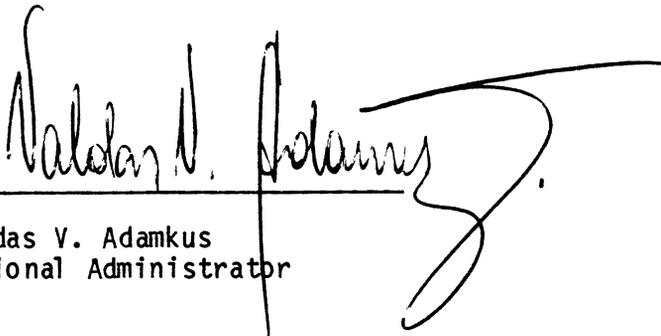
- A. Authority for all sources located or to be located in the State of Ohio which are subject to the NSPS promulgated in 40 CFR Part 60. This delegation includes all future standards promulgated for additional pollutants and source categories, and all revisions and amendments to existing and future standards.
- B. This delegation of authority for NSPS supersedes the previous statewide delegations of August 4, 1976, November 5, 1979, August 27, 1980, and August 9, 1982, and is subject to the following terms and conditions:
 1. Certain provisions of the CAA and NSPS involve the setting of emission limits or standards. These provisions as listed below cannot be delegated and are reserved for the Administrator of USEPA.
 - a. The approval of equivalency for design, equipment, work practice or operational standard that will achieve an equivalent reduction in emissions as allowed for in CAA, Section 111(h).
 - b. The granting of a waiver based on innovative technology as provided for in CAA, Section 111(j).
 - c. The approval of equivalent or alternative test methods as provided for in 40 CFR §60.8(b)(2) and (3).
 - d. The authority to establish alternative opacity standards as provided for in 40 CFR §60.11(e).
 - e. The authority to issue commercial demonstration permits under 40 CFR Subpart Da, §60.45a.
 - f. Approval of alternative sampling times or sampling volumes during testing of primary aluminum reduction plants as provided for in 40 CFR §60.195(b).
 - g. The provisions of stationary gas turbine standards which involve nitrogen fuel allowances in 40 CFR §60.332(a) and ambient condition correction factors in 40 CFR §60.335(a)(ii).
 2. Prior USEPA concurrence is to be obtained on any matter involving the interpretation of Section 111 of the CAA or 40 CFR Part 60 to the extent that implementation, administration, or enforcement of these

provisions have not been covered by determinations or guidance sent to the Ohio Environmental Protection Agency. All applicability determinations which have not been specifically treated in the compendium of applicability determinations issued by USEPA are reserved for USEPA. Any applicability determination made by the Ohio Environmental Protection Agency, based on a prior USEPA determination, must be submitted to USEPA.

3. The State of Ohio may grant variances from State standards which are more stringent than the NSPS, as long as the variances do not prevent compliance with the NSPS. At no time shall the State of Ohio enforce requirements that are less stringent than the Federal NSPS.
4. The following provisions are included in this delegation and can only be exercised on a case-by-case basis. When any of these authorities are exercised, the State must notify USEPA, Region V.
 - a. Waiver of a performance test in accordance with 40 CFR §60.8(b)(4), or make minor modifications in accordance with 40 CFR §60.8(b)(1).
 - b. Determination of representative conditions for the purpose of conducting a performance test as allowed by 40 CFR §60.8(c).
 - c. Approval of smaller sampling times or sampling volumes under 40 CFR §60.46(b) or (d).
5. The Federal NSPS regulations in 40 CFR Part 60, as amended, do not provide for granting waivers by source class of testing requirements or granting variances; hence, this delegation does not convey to the State of Ohio authority to grant waivers by source class of testing requirements or grant variances from NSPS regulations.
6. The State of Ohio will require the utilization of test methods and procedures and emission monitoring procedures specified in appendices and Subparts of 40 CFR Part 60 for the performance of tests and emission monitoring, pursuant to 40 CFR §60.8 and §60.13.
7. Enforcement of NSPS in the State of Ohio will be the primary responsibility of the State of Ohio. If, after appropriate discussion with the Ohio Environmental Protection Agency, the Regional Administrator determines that a State procedure for implementing or enforcing the NSPS is not in compliance with Federal regulations (40 CFR Part 60), 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 Ohio Environmental Protection Agency.
8. If the State of Ohio determines that a violation of a delegated NSPS exists, the Ohio Environmental Protection Agency shall, within 30 days, notify USEPA, Region V of the nature of the violation, together with a brief description of the State's efforts or strategy to secure compliance. Furthermore, if the State determines that it is unable to enforce a NSPS,

the State shall immediately notify USEPA, Region V. This delegation in no way limits the Administrator's concurrent enforcement authority as provided in Section 111(c)(2) of the CAA.

9. Since the Ohio Environmental Protection Agency is the primary enforcement agency for the NSPS, all reports and notifications required under 40 CFR Part 60 shall be directed to the Ohio Environmental Protection Agency.
10. The Ohio Environmental Protection Agency 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 §60.4 requiring industry to make submissions to the USEPA are met by sending such submissions to the Ohio Environmental Protection Agency. The Ohio Environmental Protection Agency will make available this information to the USEPA on a case-by-case basis. Ohio's reports, submitted to USEPA pursuant to 40 CFR Part 51 Subpart Q, will include information relating to the status of sources subject to 40 CFR Part 60. At a minimum, the following information should be provided: the name, address, type and size of each facility, date facility commenced operation, dates of most recent performance test, compliance status of each facility and explanation of non-compliance where applicable, surveillance actions undertaken, and results of all reports relating emission data.
11. If the State of Ohio determines that, for any reason, including budget reductions, it is unable to administer any new NSPS, the Ohio Environmental Protection Agency will notify the Regional Administrator. Upon such notification by the State, the primary enforcement responsibility for such new standards will return to the USEPA.
12. Upon approval by the Regional Administrator of Region V, the Ohio Environmental Protection Agency may subdelegate this authority to implement and to enforce the NSPS to another air pollution authority in the State, when such authority has demonstrated that it has an equivalent or more stringent program in force.
13. If the State has not adopted a NSPS as a State rule, then the appropriate standards, along with the testing, monitoring, and reporting requirements, are to be placed as conditions on construction and operating permits issued to sources subject to NSPS.



Valdas V. Adamkus
Regional Administrator

JANUARY 10th, 1985

Date