APPENDIX A

NEW SOURCE PERFORMANCE STANDARDS - NOVEMBER 15, 1982

APPENDIX A - NEW SOURCE PERFORMANCE STANDARDS, NOVEMBER 15, 1982

Source (Subpart)	Affected facility	Pollutant
1. Fossil-Fuel Fired Steam Generators (D)	Greater than 250 x 10^6 Btu/h (Construction commenced after August 17, 1971 and prior to September 19, 1978) (§ 60.40)	PM, SO_2, NO_x
2. Fossil-Fuel Fired Steam Generators (Da)	Greater than 250 x 10^6Btu/h (Construction commenced after September 18, 1978) (§ 60.40a)	PM, SO_2, NO_x
3. Incinerators (municipal) (E)	Greater than 45 metric tons per day charging rate (§ 60.50)	PM
4. Portland Cement Plants (F)	Kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems (§ 60.60)	PM
5. Nitric Acid Plants (G)	Any facility producing weak nitric acid by either the pressure or atmospheric pressure process (§ 60.70)	NO_2
6. Sulfuric Acid Plants (H)	Any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds (§ 60.80)	SO_2, Acid Mist
7. Asphalt Concrete Plants (I)	Dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing asphalt concrete; and the loading, transfer, and storage systems associated with emission control systems (§ 60.90)	PM

(continued)

APPENDIX A (continued)

Source (Subpart)	Affected facility	Pollutant
8. Petroleum Refineries (J)	a. Fluid catalytic cracking unit catalyst regenerators, b. Fluid catalytic cracking unit incinerator - waste heat boilers, c. Fuel gas combustion device (§ 60.100) d. Claus sulfur recovery plants (> 20 LTD/day)	a. PM, CO b. PM c. SO_2 d. SO_2
9. Storage Vessels for Petroleum Liquids (K)	Storage capacity greater than 151,412 liters (Construction commenced after June 11, 1973 and prior to May 19, 1978) (§ 60.110)	VOC
10. Storage Vessels for Petroleum Liquids (Ka)	Storage capacity greater than 151,412 liters (Construction commenced after May 18, 1978) (§ 60.110a)	VOC
11. Secondary Lead Smelters (L)	Pot furnaces greater than 250 kg charging capacity; Blast (cupola) furnaces; and reverberatory furnaces (§ 60.120)	PM
12. Secondary Brass and Bronze Ingot Production Plants (M)	Reverberatory and electric furnaces greater than or equal to 1000 kg production capacity and blast furnaces greater than or equal to 250 kg/h production capacity (§ 60.130)	PM
13. Iron and Steel Plants (N)	Basic oxygen process furnace (§ 60.140)	PM
14. Sewage Treatment Plants (O)	Incinerator which burns the sludge produced by municipal sewage treatment facilities. (§ 60.150)	PM
15. Primary Copper Smelters (P)	Dryer, roaster, smelting furnace, copper converter (reverberatory furnaces processing high impurity feed are exempt from SO_2 std.) (§ 60.160)	PM, opacity,
16. Primary Zinc Smelters (Q)	Sinter machine, roaster (§ 60.170)	PM, opacity, SO_2

(continued)

APPENDIX A (continued)

Source (Subpart)	Affected facility	Pollutant
17. Primary Lead Smelter (R)	Blast or reverberatory furnace, sintering machine discharge, and sintering machine electric smelting furnace, converter (§ 60.120)	PM, opacity SO_2
18. Primary Aluminum Reduction Plants (S)	Potroom group, anode bake plants (§ 60.190)	Opacity, F
19. Wet Process Phosphoric Acid Plants (T)	Reactors, filters, evaporators and hot wells (§ 60.200)	F
20. Superphosphoric Acid Plants (U)	Evaporators, hotwells, acid sumps and cooling tanks (§ 60.210)	F
21. Diammonium Phosphate Plants (V)	Reactors, granulators, dryers, coolers, screens and mills (§ 60.220)	F
22. Triple Superphosphate Plants (W)	Mixers, curing belts (dens), reactors, granulators, dryers, cookers, screens, mills and facilities which store run-of-pile triple superphosphate (§ 60.230)	F
23. Granular Triple Superphosphate Storage Facilities (X)	Storage or curing piles, conveyors, elevators, screens and mills (§ 60.240)	F
24. Steel Plants: Electric Arc Furnaces (AA)	Electric arc furnaces; dust-handling equipment (§ 60.270)	PM, opacity
25. Coal Preparation Plants (Y)	Thermal dryer, pneumatic coal cleaning equipment, processing and conveying equipment, storage systems, transfer and loading systems (§ 60.250)	PM, opacity
26. Ferroalloy Production Facilities (Z)	Electric submerged arc furnaces, dust handling equipment (§ 60.260)	PM, opacity, CO

(continued)

APPENDIX A (continued)

Source (Subpart)	Affected facility	Pollutant
27. Kraft Pulp Mills (BB)	Recovery furnaces, smelt dissolve tank, lime kiln, digester, brown stock washer, evaporator, oxidation or stripper systems (§ 60.280)	PM, opacity, TRS
28. Grain Elevators (DD)	Column and rack dryers, process equipment and other dryers, loading and handling (§ 60.300)	PM, opacity
29. Stationary Gas Turbine (GG)	a. Gas turbines, $\geq 10 \times 10^6$ Btu/h b. Gas turbines, $\geq 100 \times 10^6$ Btu/h (§ 60.330)	a. SO_2, NO_x b. NO_x
30. Lime Manufacturing (HH)	Rotary lime kiln, lime hydrator (§ 60.340)	PM, opacity
31. Sewage Treatment Plants (O)	Incinerator, > 2205 lb/day (dry sludge) (§ 60.150)	PM, opacity
32. Auto and Light-duty Truck Surface Coating Operations (MM)	Surface coating of metal parts (§ 60.390)	VOC
33. Glass Plants (CC)	Furnace (§ 60.290)	PM
34. Lead Acid Battery Plants (KK)	Lead oxide production, grid casting, paste mixing, three-process operation, lead reclamation, other (§ 60.370)	Pb, opacity
35. Phosphate Rock Plants (NN)	Dryers, calciners, grinders, handling and storage (§ 60.400)	PM, opacity
36. Ammonium Sulfate Manufacturing (PP)	Dryer (§ 60.420)	PM, opacity
37. Industrial Surface Coating: Large Appliances (SS)	Surface coating operations within large appliance assembly plants (§ 60.450)	VOC

(continued)

APPENDIX A (continued)

Source (Subpart)	Affected facility	Pollutant
38. Surface Coating of Metal Furniture (EE)	Metal furniture surface coating facilities (§ 60.310)	VOC
39. Metal Coil Surface Coating (TT)	Metal coil surface coating operations (§ 60.460)	VOC
40. Graphic Arts Industry: Publication Rotogravure Printing (QQ)	Publication rotogravure printing presses (§ 60.430)	VOC

APPENDIX B

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS - NOVEMBER 15, 1982

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Pollutant	Affected facility
Asbestos	1. Asbestos mills - waste disposal 2. The manufacture of buildings and structures in which the following operations are conducted or directly from any of the following operations if they are conducted outside of buildings or structures 3. The fabrication of - (a) cloth, cord, wicks, tubing, or other textile materials (b) cement products (c) fireproofing and insulating materials (d) friction products (e) paper, millboard, and felt (f) floor tile (g) paints, coating, caulks, adhesives and sealants (h) plastics and rubber materials (i) chlorine 4. Buildings or structure which will be constructed using asbestos insulating products (§ 61.20) 5. Specified demolition and renovation activities (§ 61.22(d)) 6. Waste disposal sites (§ 61.25) 7. Spraying (§ 61.22)
Beryllium	1. *Extraction plants 2. *Ceramic plants 3. *Foundries 4. *Incinerators 5. *Propellant plants 6. Machine shops which process beryllium oxides or any alloys when such alloy contains more than 5 percent beryllium by weight (§ 61.30) 7. Rocket motor test sites (§ 61.40)
Mercury	1. Facilities processing ore to recover mercury 2. Facilities using mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide 3. Facilities which incinerate or dry wastewater treatment plant sludge (§ 61.50)
Vinyl Chloride	1. Ethylene dichloride plants 2. Vinyl chloride plants 3. Polyvinyl chloride plants (§ 61.60)

*...which process beryllium ore, beryllium oxide, beryllium alloys, or beryllium containing wastes. (§ 61.30)

APPENDIX C

EXAMPLES OF REGIONAL OFFICE CORRESPONDENCE AND FEDERAL REGISTER SUBMITTALS

EXAMPLE 1

DELEGATION LETTER

Dear _____:

This is in response to your letter of _____, requesting authority to implement and enforce the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) programs.

We have reviewed the pertinent laws of the State of _____ and the rules and regulations thereof, and have determined that they provide an adequate and effective procedure for implementation of the NSPS and NESHAPS by the State of _____. Therefore, pursuant to Section III of P.L. 31-504 (1970) as amended by P.L. 95-95 (1977), the Clean Air Act (CAA) as amended and 40 CFR. Part 60 and Part 61, we hereby delegate our primary authority for implementation and enforcement of NSPS and NESHAPS, respectively, to the State of _____ as follows:

A. Responsibility for all sources located or to be located in the State of _____ subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 and amendments thereto as published in the Federal Register as of the date of your request letter on _____. The categories of new sources covered by this responsibility are: .

B. Responsibility for all sources located or to be located in the State of _____ subject to the national emission standards for hazardous air pollutants promulgated in 40 CFR Part 61 and amendments thereto as published in the Federal Register as of the date of your request letter. The four hazardous air pollutants covered by this authority are asbestos, beryllium, mercury, and vinyl chloride.

C. This delegation is based upon the following conditions:

1. Existing monthly "CDS" reports normally submitted to EPA through program plan reporting will be expanded to contain pertinent information relating to the status of sources subject to 40 CFR Parts 60 and 61. As a minimum, the following information should be provided to EPA: the name, address, type and size of each facility, date that operation at the facility commenced and dates of most recent stack test, the compliance status of each facility with accompanying explanations of noncompliance where applicable;

notice of enforcement actions brought against facilities subject to 40 CFR Part 60 or 61; surveillance actions undertaken for each facility; and the results of all reports relating to emissions data.

2. Enforcement of NSPS and NESHAPS in the State of _____ will be the primary responsibility of the _____. If the State determines that such enforcement is not feasible and so notifies EPA, or where the State acts in a manner inconsistent with the terms of this granted authority, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the State of _____ subject to the NSPS and NESHAPS.

3. Acceptance of this delegation of presently promulgated NSPS and NESHAPS does not commit the State to request or accept enforcement responsibility of future standards and requirements. A new request for enforcement responsibility will be required for any standards not included in Paragraphs A and B above.

4. If at any time there is a conflict between a State regulation and a Federal regulation (40 CFR Parts 60 and 61), the Federal regulation must be applied if it is more stringent than that of the State. If the State does not have the authority to enforce a Federal regulation, the pertinent portion of the delegation may be revoked.

5. Performance tests shall be scheduled and conducted in accordance with the procedures set forth in 40 CFR Parts 60 and 61 unless alternate methods or procedures are approved by the EPA Administrator. Although the Administrator retains the exclusive right to approve equivalent and alternative test methods as specified in 40 CFR 60.8(b) (2) and (3), and 64.14, the State may approve minor changes in methodology provided these changes are reported to EPA Region __. The Administrator also retains the right to change an opacity standard as specified in 40 CFR 60.11(e).

6. Additionally, the State of _____ must require reporting of all excess emissions from any NSPS source in accordance with 40 CFR 60.7(c).

7. Alternatives to continuous monitoring procedures or reporting requirements, as outlined in 40 CFR 60.13(i), may be approved by the State with the prior concurrence of the EPA Administrator.

8. If a source proposed to modify its operation or facility which may cause the source to be subject to NSPS requirements, the State shall notify EPA Region ___ and obtain a determination on the applicability of the NSPS regulations.

9. If the Administrator determines that the State procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, his delegation may be revoked in whole or part. Any such revocation shall be effective as of the data specified in a Notice of Revocation to the _____.

10. Information shall be made available to the public in accordance with 40 CFR 60.9 and 61.15(b). Any records, reports, or information provided to, or otherwise obtained by, the State in accordance with the provisions of these regulations shall be made available to the designated representatives of EPA upon request.

The State and EPA will develop a system of communication sufficient to guarantee a program that includes the items described below:

a. Each agency is informed of the current compliance status of subject sources in the State of _____.

b. Prior EPA concurrence is obtained on any matter involving interpretation of 40 CFR Parts 60 and 61 (including unique questions of applicability of the standards); and

c. Enforcement actions (including requests for information and enforcement actions based thereon) already initiated by EPA prior to this delegation, shall be completed by EPA.

A notice announcing these actions will be published in the Federal Register in the near future. The notice will state, among other things, that, effective immediately, all reports required pursuant to NSPS and NESHAPS, by sources located in _____ should be submitted to the _____. Any such reports which have been or may be received by EPA, Region ___, will be promptly transmitted to this State agency.

Since this action is effective immediately, there is no requirement that the State of _____ notify EPA of its acceptance. Unless EPA receives from the State of _____ written notice of objections within ten (10) days of the date of receipt of this letter, the State will be deemed to have accepted all of the terms as stated herein.

Sincerely yours,

Regional Administrator

EXAMPLE 2

AUTOMATIC DELEGATION LETTER

Dear _____:

On _____ we delegated to the State of _____ the authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) that had been promulgated by EPA as of _____. On _____, EPA promulgated NSPS for _____.

As stated in our letter of _____, we have reviewed the pertinent laws of the State of _____ and your rules and regulations, and have determined that they provide an adequate and effective procedure for implementing and enforcing the NSPS in the State of _____. Therefore, we hereby delegate our authority for the implementation and enforcement of NSPS to the State of _____ as follows:

> Authority for all sources located or to be located in the State of _____ subject to the Standards of Performance for New Stationary Sources for _____ promulgated in 40 CFR Part 60 as of the date of this letter.

This delegation is based upon the same conditions as those stated in our letter of _____, except that condition 4, relating to Federal facilities, has been voided by the Clean Air Act Amendments of 1977. A copy of the _____, letter was published in the notices section of the Federal Register of _____ (__ FR ____). (An associated rulemaking was published on _____ (__ FR ____), to notify the public that certain reports and applications required from operators of new sources shall be submitted to the State of _____). A notice announcing this delegation will be published in the Federal Register in the near future.

Since this delegation is effective immediately, there is no need for the State to notify EPA of its acceptance. Unless we receive from you written notice of objections within ten days of the date on which you receive this letter, the State of _____ will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

Regional Administrator

EXAMPLE 3

DELEGATION AFTER STATE REQUEST

Dear Mr. _____:

On _____, we delegated to the State of _____ the authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) that had been promulgated by EPA as of _____. On _____, _____, _____, and _____, EPA promulgated NSPS for _____, _____, _____, and _____, respectively; on _____, EPA promulgated NESHAPS for _____. In your letter of _____, you requested that EPA delegate to the State of _____ the authority for implementation and enforcement of these new Federal regulations.

As stated in our letter of _____, we have reviewed the pertinent laws of the State of _____ and your rules and regulations and have determined that they provide an adequate and effective procedure for implementing and enforcing the NSPS and NESHAPS in the State of _____. Therefore, we hereby delegate our authority for the implementation and enforcement of the NSPS and NESHAPS to the State of _____ as follows:

A. Authority for all sources located or to be located in the State of _____ subject to the Standards of Performance for New Stationary Sources for _____, _____, _____, and _____ promulgated in 40 CFR Part 60 as of the date of this letter.

B. Authority for all sources located or to be located in the State of _____ subject to the National Emission Standards for Hazardous Air Pollutants for _____ promulgated in 40 CFR Part 61 as of the date of this letter.

This delegation is based upon the same conditions as those stated in our letter of _____, except that condition 5, relating to Federal facilities, has been voided by the Clean Air Act Amendments of 1977. A copy of the _____, letter was published in the Notices section of the Federal Register of _____ (__ FR ____), along with the associated rulemaking notifying the public that certain reports and applications required from operators of new sources shall be submitted to the State of _____ (__ FR ____). A notice announcing this delegation will be published in the Federal Register in the near future.

Since this delegation is effective immediately, there is no need for the State to notify EPA of its acceptance. Unless we receive from you written notice of objections within ten days of the date on which you receive this letter, the State of _____ will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

Regional Administrator

EXAMPLE 4

FEDERAL REGISTER NOTICE FOR DELEGATION
of NSPS and NESHAPS

[A-7-FRL-1830-1]

Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS); Delegation of Authority to State of Missouri

Through December 1, 1979, pursuant to Sections 111 and 112 of the Clean Air Act, as amended, the Administrator of the Environmental Protection Agency (EPA) has promulgated regulations establishing standards of performance for 30 categories of new stationary sources, and national emission standards for five hazardous air pollutants. Sections 111(c) and 112(d) direct the Administrator to delegate his authority to implement and enforce the NSPS and NESHAPS to any state which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the state.

On April 16, 1980, the Director of the Misouri Department of Natural Resources (MDNR) submitted to the EPA Regional Office a request for delegation of authority. Included in that request were copies of the State of Missouri regulations which incorporate by reference the federal emission standards and testing procedures set forth in 40 CFR Parts 60 and 61, with certain exceptions. Also included were copies of statutes which provide the state with the requisite authority to enforce the NSPS and NESHAPS. After a thorough review of that request, the EPA regional office has determined that for the source categories set forth in paragraphs A and B of the attached official letter to the Director of the MDNR, delegation is appropriate subject to the conditions set forth in paragraphs 1 through 8 of that letter.

Therefore, in a letter dated December 16, 1980, the EPA regional office notified the MDNR that its delegation request had been granted. The delegation letter is reproduced below.

December 16, 1980.

Fred A. Lafser, *Director, Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Mo.*

Dear Mr. Lafser: This is in response to your letter of April 18, 1980, requesting delegation of authority for implementation and enforcement of the Standards of Performance for New stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the state of Missouri. This letter supercedes the delegation letter dated July 28, 1980. It contains a new set of conditions negotiated in meetings and telephone conversations with your staff since that date.

We have reviewed the pertinent laws of the State of Missouri, and the rules and regulations of the Missouri Ar Conservation Commission, Rules 10 CSR 10-6.070 and 10-6.080, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and MESHAPS by the Air Pollution Control Program. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of Missouri as follows:

A. Authority for all sources located in the State of Missouri subject to the NSPS promulgated in 40 CFR Part 60 as of December 1, 1979. The two sections of administrative procedures, the 30 source categories, and the test procedures and the performance specifications covered by the delegation are:

- General Provisions, Subpart A
- Emission Guidelines & Compliance Times, Subpart C
- Fosil-Fuel Fired Steam Generators, Subpart D
- Electric Utility Steam Generating Units, Which Commenced Construction After September 18, 1978 Subpart Da
- Incinerators, Subpart E
- Portland Cement Plants; Subpart F
- Nitric Acid Plants, Subpart G
- Sulfuric Acid Plants, Subpart H
- Asphalt Concrete Plants, Subpart I
- Petroleum Refineries, Subpart J
- Storage Vessels for Petroleum Liquids, Subpart K
- Storage Vessels for Petroleum Liquids Constructed After May 18, 1978, Subpart Ka
- Secondary Lead Smelters, Subpart L
- Secondary Brass & Bronze Ingot Production, Subpart M
- Iron & Steel Plants, Subpart N
- Sewage Treatment Plants, Subpart O
- Primary Copper Smelters, Subpart P
- Primary Zinc Smelters, Subpart Q
- Primary Lead Smelters, Subpart R
- Primary Aluminum Reduction Plants, Subpart S
- Phosphate Fertilizer Industry, Subparts T, U, V, W, X
- Coal Preparation Plants, Subpart Y
- Ferroalloy Production Facilities, Subpart Z

- Steel Plants: Electric Arc Furnaces, Subpart AA
- Kraft Pulp Mills, Subpart BB
- Grain Elevators, Subpart DD
- Gas Turbine Electric Generators, Subpart GG
- Lime Manufacturing Plants, Subpart HH
- Appendix A
- Appendix B

B. Authority for all sources located in the State of Missouri subject to the NESHAPS promulgated in 40 CFR Part 61 as of December 1, 1979, as follows:

- General Provisions, Subpart A
- Asbestos, Subpart B
- Beryllium, Subpart C
- Beryllium Rocket Motor Fuel, Subpart D
- Mercury, Subpart E
- Vinyl Chloride, Subpart F
- Appendix A

The EPA is in the process of repromulgating the work practice standards as a result of litigation. Until this repromulgation is finished, the work practice standards are not enforceable under Section 113 of the Clean Air Act as amended August 1977.

The delegation for NSPS and NESHAPS is based upon the following conditions:

1. All sources in the categories specified above shall provide all necessary notifications and conduct performance tests in accordance with the procedures specified at 40 CFR Part 60 Subpart A and 40 CFR Part 61 Subpart A. The Missouri Department of Natural Resources (MDNR) shall allow only the use of testing methods or procedures specified in each applicable Subpart of Part 60 and Part 61, unless the EPA has given prior approval to an alternative or equivalent method.

2. The MDNR will instruct each facility affected by the NSPS or NESHAPS to provide copies of all required notifications, pursuant to 40 CFR Part 60 Subpart A and 40 CFR Part 61 Subpart A, to the Director of the Enforcement Division, EPA, Region VII, 324 East 11th Street, Kansas City, MO 64106.

3. All sources subject to the NSPS and NESHAPS must monitor emissions as specified by the applicable Subpart. In addition, continuous monitoring instruments must be tested according to the performance specifications at 40 CFR Part 60, Appendix B. If the MDNR finds that a testing method for emission monitoring equipment other than that specified in the applicable part of 40 CFR Part 60 or Part 61 is necessary, the EPA's concurrence shall be obtained prior to notifying the owner or operator of the acceptance of the alternative test method.

4. Upon prior approval of the Director of the Air and Hazardous Materials Division of the EPA, Region VII, the Director of the MDNR may sub-delegate the authority to implement and enforce the NSPS and NESHAPS to local air pollution control agencies in the state, when such agencies have demonstrated that they have equivalent or more stringent programs in force.

5. The MDNR shall notify the EPA of any request for a variance from the NSPS and NESHAPS requirments prior to any action on such request, and the MDNR will at no time grant a variance from any of the requirements of the NSPS or NESHAPS without the approval of the EPA.

6. Any requests for information pertaining to sources subject to the NSPS or NESHAPS with which the MDNR cannot comply because of its confidentiality requirements, must be forwarded to the EPA.

7. A new request for delegation will be required for any standards not included in the state's request of April 16, 1980. Any NSPS and/or NESHAPS promulgated by EPA, but not yet adopted by the state, will be enforced by the EPA.

8. If the Director of the Air and Hazardous Materials Division determines that a state procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. If deficiencies are found in the MDNR program, the EPA will notify the MDNR of these deficiencies, will specify appropriate corrective measures, and will allow the MDNR a reasonable time to implement those measures. If these deficiencies continue to exist after the allotted time, the EPA may then revoke this delegation. The EPA will notify the state of its intent to revoke this delegation, and the reasons for revocation, at least 15 days prior to the effective date of the revocation. Any such revocation shall be effective as of the date specified in a "Notice of Revocation" to the State of Missouri.

The MDNR should obtain the concurrence of the EPA prior to issuing any determination of the applicability of the NSPS or NESHAPS when there is no clear precedent and it is necessary to interpret the regulations.

A notice announcing this delegation will be published in the Federal Register in the near future.

This delegation is effective immediately. Please acknowledge acceptance of this delegation, in writing, within ten (10) days of receipt of this letter.

If the MDNR determines that it can no longer enforce or implement the NSPS and/or NESHAPS, it may request that the EPA revoke this delegation under Condition 8. above.

If you have any questions, please contact me at 816/374-5971. The member of my staff who is most familiar with this subject, Mr. Craig W. Smith, 816/374-6525, can also provide additional information.

Sincerely yours,

David A. Wagoner,

Director, Air and hazardous Materials Divisions

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri.

Effective immediately, all reports, requests, applications, submittals and other communications required pursuant to the NSPS and NESHAPS categories listed in the above letter should be submitted to the Missouri Department of Natural Resources, P.O. Box 1368, Jefferson City, Missouri 65101.

Copies of notifications required pursuant to 40 CFR Part 60, Subpart A and 40 CFR Part 61, Subpart A shall also be submitted to the Director, Enforcement Division at the EPA regional office mentionded above.

This Notice is issued under the authority of Sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 7411 and 7412).

Dated: May 4, 1981.

William W. Rice,

Acting Regional Administrator, Region VII.

[FR Doc. 81-14[illegible] Filed 5-18-81; 8:43 am]

BILLING CODE [illegible]

EXAMPLE 5

FEDERAL REGISTER NOTICE FOR SUPPLEMENTAL DELEGATION OF NSPS AND NESHAPS (Automatic Delegation - Informational Notice)

[A-4-FRL-1830-6]

Standards of Performance for New Stationary Sources; Delegation of Authority to the State of South Carolina

AGENCY: Environmental Protection Agency.

ACTION: Information notice.

SUMMARY: Section 111(c) of the Clean Air Act permits EPA to delegate to the States the authority to implement and enforce the standards set out in 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS). On January 29, 1981, the State of South Carolina asked EPA to delegate to it authority for NSPS source categories promulgated between October 19, 1976 and January 29, 1981. EPA granted the request on March 17, 1981. The State now has authority to implement and enforce NSPS for ferroalloy production facilities, kraft pulp mills, lime manufacturing plants, grain elevators, electric utility boilers, stationary gas turbines, glass manufacturing plants, ammonium sulfate plants, and automobile surface coating facilities. Applications and reports required under these regulations should be sent to the State's Bureau of Air Quality Control rather than to EPA Region IV.

EFFECTIVE DATE: March 17, 1981.

ADDRESSES: Applications and reports required under all NSPS source categories promulgated prior to March 17, 1981, should be addressed to the South Carolina Department of Health and Environmental Control, Bureau of Air Quality Control, 2600 Bull Street, Columbia, South Carolina 29201, rather than to EPA Region IV.

FOR FURTHER INFORMATION CONTACT: Ray Gregory of the EPA Region IV, Air Programs Branch, telephone 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On October 19, 1976, EPA delegated to South Carolina authority to implement and enforce the NSPS and NESHAPS promulgated as of October 19, 1976 (see 42 FR 4188, January 24, 1977). On January 29, 1981 the State requested that EPA delegate to it authority for the NSPS promulgated between October 19, 1976, and January 29, 1981. Delegation of these standards was made by the following letter on March 17, 1981:

Mr. William G. Crosby,
Chief, Bureau of Air Quality Control, S.C. Dept. of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina.

Dear Mr. Crosby: On October 19, 1976, we delegated to the State of South Carolina the authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) that had been promulgated by EPA as of April 23, 1976.

In your letter of January 29, 1981, you requested that EPA delegate to the State of South Carolina the Authority for implementation and enforcement of specific NSPS source categories recently promulgated.

As stated in our letter of November 24, 1976, we have reviewed the pertinent laws of the State of South Carolina and your rules and regulations and have determined that they provide an adequate and effective procedure for implementing and enforcing NSPS in the State of South Carolina. Therefore, we hereby delegate our authority for the implementation and enforcement of the NSPS source categories to the State of South Carolina as follows:

Authority for all sources located or to be located in the State of South Carolina subject to the Standards of Performance for New Stationary Sources for ferroalloy production facilities, kraft pulp mills, lime manufacturing plants, grain elevators, electric utility boilers, stationary gas turbines, glass manufacturing plants, ammonium sulfate plants, and automobile and light-duty truck surface coating facilities promulgated in 40 CFR Part 60 as of the date of this letter.

This delegation is based upon the same conditions as those stated in our letter of October 19, 1976, except for condition 4 regarding federal facilities. A copy of this letter was published in the Notices section of the Federal Register of January 24, 1977 (42 FR 4188), along with the associated rulemaking notifying the public that certain reports and applications required from operators of new sources shall be submitted to the State of South Carolina (42 FR 4124). All the conditions listed in the January 24, 1977 Federal Register except condition 4 are hereby incorporated into this delegation by reference. A notice announcing this delegation will be published in the Federal Register in the near future.

Since this delegation is effective immediately, there is no need for the State to notify EPA of its acceptance. Unless we receive from you written notice of objections within ten days of the date on which you received this letter, the State of South Carolina will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

Rebecca W. Hanmer,

Regional Administrator.

Effective immediately, all applications, reports, and other correspondence required under the NSPS for ferroalloy production facilities, kraft pulp mills, lime manufacturing plants, grain elevators, electric utility boilers, stationary gas turbines, glass manufacturing plants, ammonium sulfate plants, and automobile surface coating facilities should be sent to the South Carolina Department of Health and Environmental Control (see address above) rather than to the EPA Region IV Office in Atlanta.

(Sec. 111(c), Clean Air Act (42 U.S.C. 7411(c))

Dated: May 6, 1981.

John A. Little,

Acting Regional Administrator.

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APPENDIX D

QUESTIONS AND ANSWERS CONCERNING DELEGATION

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I. Preliminary Requirements for Assumption of Authority for NSPS and/or NESHAPS

*A. Before delegation to a State or local agency could take place would it be necessary for the agency to demonstrate adequacy of their program to:

* (1) perform surveillance?

A delegation request would not be required to be detailed concerning surveillance. The Regional Office may consider surveillance for other approved activities such as surveillance for existing sources subject to requirements contained in the SIP when making a determination on the delegation request. The State should have sufficient resources to perform surveillance and the RO should carefully review this aspect of the delegation.

(2) allow public disclosure of emissions data?

If the State or local agency cannot make such data available to the public, they must be able and willing to make it available to EPA upon request.

(3) report on a routine basis to EPA the status of NSPS and/or NESHAPS sources?

It would be necessary for the State to report routinely, but these requirements would be the same as already listed in 40 CFR 51.

(4) provide adequate resources by listing in detail the resource allocation for the NSPS and NESHAPS programs?

It may be that the resources are adequate if the State's general air program resources are adequate, however, this may depend on the source population for the delegated programs. A review of the agency resources is necessary prior to delegation. Delegation is high priority and if the State or local agency or EPA feels the resources are inadequate, the grant mechanism shall be used to encourage reallocation of resources for these delegation activities.

(5) enforce NSPS and/or NESHAPS in detail?

If the agency has an adequate enforcement program for SIP sources then the enforcement program is probably adequate for NSPS and/or NESHAPS sources. The delegated agency must signify their intent and capability to carry out enforcement for the delegated programs.

(6) have equivalent regulatory standards for NSPS and/or NESHAPS?

The State or local regulation for sources covered by NSPS and/or NESHAPS must be at least as stringent as the Federal standards or the agency may adopt the Federal standards by reference.

B. Can a State that has been delegated NSPS or NESHAPS:

(1) waive a performance test after demonstration by the owner or operator of a source that the affected facility is in compliance with the standard as allowed under Section 60.8(b)(4)?

Yes, but the State must notify the appropriate EPA Regional Office of the waiver.

(2) determine representative conditions for purposes of conducting performance tests specified in Section 60.8(c)?

Yes, however, EPA must be informed of the conditions at which all performance tests were run if different than those normally used.

(3) make determinations of confidentiality?

Yes, however, a determination by the State agency that information is confidential under State law does not bind EPA to a similar determination. EPA will continue to follow the procedures of 40 CFR Part 2 in determining the confidentiality of requested information under Federal law.

(4) approve smaller sampling times or sampling volumes under the conditions specified in Sections 60.46(b) or (d)?

Yes, however, for the purpose of uniform enforcement of standards, any changes made in the test methods must be reported to EPA.

(5) authorize the use of wet collectors in accordance with the specifications of Section 61.23(b)?

Yes, because control specifications are detailed. However, EPA must be informed of all such authorizations.

C. May delegations be made directly to local programs even if the State has not received delegation? Is State approval necessary for delegation to a local agency?

(1) Delegations may be made directly to local agencies if they meet all the necessary conditions for delegations and are recognized by EPA.

(2) State approval for delegation to a local program may not be necessary unless the State has some statutory restrictions that would prevent the local program from enforcing the delegated standards without State approval.

D. Is it necessary for the request for delegation from the State or local agency to include the date of Federal approval for all applicable SIP revisions?

No, only the applicable SIP provisions must be cited.

E. Is a public hearing or public comment period required prior to delegation for a State to enforce a given NSPS or NESHAPS standard?

Because the NSPS or NESHAPS regulations have undergone public comment when they were adopted as Federal regulations, and the delegation does not affect the regulations or their applicability to sources there is no Federal requirement for a public hearing. Therefore, a public hearing is not necessary unless the State has some statutory requirements to meet.

F. What is needed from the State or local agency to initiate the delegation process?

A request from the Governor or a designated local agency official requesting authority to implement and enforce the NSPS and/or NESHAPS program.

G. Is a Federal Register proposal necessary prior to delegation to a State or local program?

No, immediate final rulemaking may be used. Then a notice is published in the Federal Register to notify the public.

H. * Is it possible to delegate NSPS and/or NESHAPS to a State or local agency that does not have written standards for the applicable sources covered and has not adopted the standards by reference?

Yes, if the State or local agency has an enforceable permit system, and they agree to specify the appropriate standards in the operating permit, it is possible for the agency to assume the NSPS and/or NESHAPS programs. The issued permits do not have to be conditioned based on any EPA approval because EPA still retains concurrent enforcement authority for these standards.

I. If a test method or methods inconsistent with those approved by the Administrator of EPA are submitted by a State requesting delegation, can delegation still be granted?

No, the State must agree to use EPA methods or an equivalent or alternate test method as approved by the Administrator for all sources subject to NSPS and NESHAPS. If a State believes that its methods are equivalent to EPA methods or are adequate for demonstrating compliance with standards, then the State may submit those methods to EPA for approval. Until they are approved, however, the State must agree to use the approved reference methods.

II. Reserved Areas of Delegation

A. What specific areas of the NSPS program are reserved for the Administrator because they require rulemaking and would impact on National consistency? These specific areas cannot be delegated to the State agency.

(1) The approval of equivalency for design, equipment, or work place standards that will achieve a reduction in emissions as allowed for in Section 111(h)(3) of the CAA. An example of this type of regulation is 60.114a.

(2) The approval of a waiver based on innovative technology as allowed for in Section 111(j) of the CAA.

(3) Approval of equivalent and alternate test methods [60.8(b)(2) and (3)].

(4) The authority to establish alternative opacity standards [60.11(e)].

(5) The authority to issue commercial demonstration permits under Subpart Da [60.45(a)].

(6) Approval of alternative testing times for primary aluminum reduction plants [60.195(d)].

(7) Certain portions of the Stationary Gas Turbines Standards dealing with nitrogen fuel allowance [60.332(a)] and ambient condition correction factors [60.335(a)(ii)].

(8) The authority to make applicability determinations pertaining to sources subject to the NSPS and NESHAPS. The delegated State agency may exercise judgement based on the Compendium of Applicability determinations issued by EPA annually, and updated quarterly. Any applicability determinations not explicitly treated in the EPA Compendium must be referred to EPA for a determination. Also, any determinations made by the State agency based on the Compendium must be sent to EPA for informational purposes in order for EPA to maintain National consistency.

B. The following questions discuss other areas not reserved for the Administrator that may be delegated to the State agency.

(1) May a State authorize the use of filtering equipment as explained in Section 61.23(c)?

Yes, however, EPA must be informed of all such authorizations.

(2) May a State approve sampling techniques as specified in Section 61.43(a)?

Yes, however, EPA must be informed of all such authorizations.

(3) May a State use reference methods with minor modifications of methodology like those specified in Section 60.8(b)(1)?

Yes, however, to ensure consistent use of the test methods, all minor changes in methodology must be reported to the appropriate EPA Regional Office. This should be done only when site specific conditions preclude the exact use of the test procedures.

(4) May a State, which has been delegated NESHAPS enforcement authority, grant waivers of compliance like those specified in Section 61.11?

Yes, delegation to a State that has a provision to grant waivers must be conditioned to allow the granting of such waivers only for new standards. The 90 day limit for granting waivers has expired for existing standards. Because waivers must be granted within 90 days of their effective date for new standards, the State must be granted the authority in the delegation.

III. Implementation of NSPS and/or NESHAPS

A. Does a State or local agency have the authority to enforce NSPS and/or NESHAPS type regulations in their own regulatory framework even if they have not received delegation from EPA?

Yes, nothing in the CAA restricts the State or local agencies from promulgating and enforcing their own regulations.

B. If a State cannot or will not use EPA test methods or equivalent methods, what recourse does EPA have?

EPA may exercise its concurrent enforcement authority and require a source to use the EPA test method to demonstrate compliance. An agreement to use EPA test methods for all sources subject to the delegated programs should be made before the programs are delegated.

C. Should a State which has adopted standards more stringent than EPA's new source performance standards be allowed to grant variances to meet the more stringent State requirement?

Yes, as long as the variances do not prevent compliance with the specified Federal standards.

D. Is a State prohibited from enforcing NSPS or NESHAP against a source which commenced construction before the effective date of the delegation?

There is no Federal restriction on enforcing the standards. When a program is delegated, the State accepts responsibility for all activities pertaining to implementation and enforcement of the program, including any ongoing actions. However, some States may have grandfathering statutes which would allow the State to enforce standards only against sources commencing construction after the State assumes responsibility. In these cases, the Agency can develop a cooperative agreement with the State for division of authority for enforcing the standards.

IV. Future Actions

A. What actions would be necessary for future standards or changes promulgated by EPA in the delegation process:

(1) if the standards are revised by EPA?

If the State adopted the standards by reference or used automatic delegation, no action would be necessary on the part of the State.

(2) if a new or revised test method is promulgated?

The State need only adopt the new method or an equivalent method.

B. Would a proposal for an automatic delegation be necessary each time a new standard is promulgated?

No, immediate final rulemaking may be used because the standards have already been proposed for public comment.

C. Does a delegation to a State or local agency expire?

No, delegation of authority has no expiration date and therefore does not expire.

D. Is it necessary for a State or local agency to request delegation each time a new standard is promulgated?

Not if an automatic delegation procedure is in effect. The Regional Office may notify the State or local program of the promulgation and concurrently publish a notice in the Federal Register with no action required by the State or local program. If automatic delegation is not in effect, the State has to follow the procedures for assuming delegation of the standards.

E. Would redelegation ever be necessary?

There is no appropriate provision for redelegation of a standard. The only time this might occur is if delegation were withdrawn from an agency for just cause, or because some legislative changes in the State that would not allow the delegated agency to implement or enforce the standards. In this case, EPA would assume responsibility for the programs.

Redelegation would not apply when standards are revised or new standards promulgated, since the State agency would request delegation only for the new or revised standards and the previously delegated authority would remain in effect.

F. If EPA revises an NSPS or NESHAP after delegation has been given, does the standard have to be redelegated to the State?

No, once a State has been delegated a program, it has the program until such time as EPA may determine that the State is no longer capable of implementing or enforcing the program. When regulations are revised, it is EPA's responsibility to notify the State of the changes, to work with the State, to provide any necessary assistance, and to ensure that the legal authority to implement and enforce the revised rules is maintained.