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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[FRL-4847-1]

Outer Continental Shelf Air Regulations; Delegation of Authority;
Santa Barbara County, San Luis Obispo County, and Ventura County; Air
Pollution Control Districts; State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Delegation of authority.

SUMMARY: The Regional Administrator for EPA Region 9, San Francisco has delegated authority to implement and enforce the requirements of the Outer Continental Shelf (OCS) program within 25 miles of the state's seaward boundary to the Santa Barbara County Air Pollution Control District (SBCAPCD), San Luis Obispo County Air Pollution Control District (SLOCAPCD), and Ventura County Air Pollution Control District (VCAPCD), California. EPA reviewed each District's rules and regulations and has found them to be adequate for delegation.

DATES: The effective date of the delegation authority for each agency is:

Santa Barbara County APCD--November 5, 1993
San Luis Obispo County APCD--January 18, 1994
Ventura County APCD--January 27, 1994

ADDRESSES: Copies of the request for delegation of authority and EPA's letter of delegation are available for public inspection at EPA's Region 9 office during normal business hours and at the following locations:

Santa Barbara County Air Pollution Control District 26 Castilian Drive B-23, Goleta, CA 93117.
San Luis Obispo County Air Pollution Control District 2156 Sierra Way, Suite B, San Luis Obispo, CA 93401.
Ventura County Air Pollution Control District 702 County Square Drive, Ventura, CA 93003.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Rulemaking section (A-5-3), Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105. (415) 744-1197.

SUPPLEMENTARY INFORMATION: The U.S. Environmental Protection Agency has delegated the authority to implement and enforce the requirements of the OCS rule (40 CFR part 55) to the Santa Barbara County, San Luis Obispo County, and Ventura County Air Pollution Control Districts. The final OCS rule was promulgated by EPA on September 4, 1992 pursuant to section 328 of the Clean Air Act (the Act). (57 FR 40792).

Under section 328(a)(3) of the Act, EPA may delegate authority to implement and enforce the OCS air regulations to a state if that state

is adjacent to an OCS source and the Administrator determines that the state's regulations are adequate. The State of California is adjacent to a number of OCS sources and each District's regulations have been reviewed by EPA and have been determined to be adequate. The following criteria for delegation are set forth at 40 CFR 55.11:<SUP>1 (1) The state has adopted the appropriate portions of 40 CFR part 55 into law; (2) The state has adequate authority under state law to implement and enforce the requirements of part 55; (3) The state has adequate resources to implement and enforce the requirements of part 55; and (4) The state has adequate administrative procedures to implement and enforce the requirements of part 55, including public notice and comment procedures.

\1\The term ``state'' as used in the delegation criteria refers to the local air pollution permitting agencies--SBCAPCD, SLOCAPCD, and VCAPCD.

The following delegation agreements represent the terms and conditions of the delegations to the SBCAPCD, SLOCAPCD, and VCAPCD:

I

U.S. EPA--Santa Barbara County APCD Agreement for Delegation of Authority for Outer Continental Shelf Air Regulations (40 CFR Part 55)

The undersigned, on behalf of the Santa Barbara County Air Pollution Control District (``SBCAPCD'' or ``the District'') and the United States Environmental Protection Agency (``EPA''), hereby agree to the delegation of authority from EPA to SBCAPCD to implement and enforce the requirements of the Outer Continental Shelf Air Regulations (``OCS'') (40 CFR part 55) within 25 miles of the state's seaward boundary, pursuant to section 328(a)(3) of the Clean Air Act (``the Act''), subject to the terms and conditions below. EPA has reviewed SBCAPCD's request for delegation and has found that SBCAPCD's regulations meet the requirements for delegation set forth at 40 CFR 55.11.

This delegation includes authority for the following sections of the Outer Continental Shelf Air Regulations:

Section	Title
55.1...	Statutory authority and scope.
55.2...	Definitions.
55.3...	Applicability.
55.4...	Requirements to submit a notice of intent.
55.6...	Permit requirements.
55.7...	Exemptions.
55.8...	Monitoring, reporting, inspections, and compliance.
55.9...	Enforcement.
55.10..	Fees.
55.13..	Federal requirements that apply to OCS sources.
55.14..	Requirements that apply to OCS sources located within 25 miles of states' seaward boundaries by state.

EPA is not delegating the authority to implement and enforce Secs. 55.5 (Corresponding onshore area designation), 55.11 (Delegation), and 55.12 (Consistency updates), as authority for these sections is reserved to the Administrator.

Under section 328(a)(3) of the Act, EPA may delegate authority to implement and enforce the OCS air regulations to a state if that state is adjacent to an OCS source and the Administrator determines that the state's regulations are adequate. The State of California is adjacent to a number of OCS sources. For the OCS sources for which Santa Barbara County has been designated the corresponding onshore area (COA), the State has submitted SBCAPCD's regulations to EPA and requested that EPA delegate authority to SBCAPCD to implement and enforce the OCS air regulations. SBCAPCD's regulations have been reviewed by EPA and determined to be adequate for implementing and enforcing the delegable sections of 40 CFR part 55.

The OCS air regulations set forth the following criteria for delegation at 40 CFR 55.11:

(1) The state has adopted the appropriate portions of 40 CFR part 55 into state law--SBCAPCD adopted Rule 903, Outer Continental Shelf Air Regulations, on November 10, 1992. This rule incorporates the provisions of 40 CFR part 55 that EPA is delegating to the District.

(2) The state has adequate authority under state law to implement and enforce the requirements of part 55--According to a letter dated January 25, 1993 and forwarded to EPA from the State Attorney General, SBCAPCD has the authority to implement and enforce the requirements of part 55.

(3) The state has adequate resources to implement and enforce the requirements of part 55--SBCAPCD has submitted information documenting that the District has adequate resources to implement and enforce the requirements of part 55.

(4) The state has adequate administrative procedures to implement and enforce the requirements of this part, including public notice and comment procedures--SBCAPCD's administrative procedures have been reviewed by EPA and found to be adequate. The following rules were submitted by SBCAPCD for review to meet this requirement:

- Rule 101 Compliance By Existing Installations (Adopted 6/81)
- Rule 208 Action on Applications--Time Limits (Adopted 10/18/71)
- Rule 209 Appeals (Adopted 10/23/78)
- Rule 210 Fees (Adopted 5/5/91)
- Rule 501 Hearing Boards--General (Adopted 10/23/78)
- Rule 502 Hearing Boards--Filing (Adopted 10/23/78)
- Rule 503 Hearing Boards--Contents of Filing (Adopted 10/23/78)
- Rule 505 Breakdown Conditions (Adopted 10/23/78)
- Rule 507 Appeal From Denial (Adopted 10/23/78)
- Rule 508 Failure to Comply with Rules (Adopted 10/23/78)
- Rule 601 Emergencies--General (Adopted 6/15/81)
- Rule 602 Episodes/Disasters (Adopted 6/15/81)
- Rule 604 Source Inspection (Adopted 6/15/81)
- Rule 605 Enforcement (Adopted 6/15/81)
- Rule 901 New Source Performance Standards (Adopted 4/21/92)
- Rule 1001 National Emission Standards for Hazardous Air Pollutants (Adopted 5/14/91)
- Rule 1101 Public Notification--General (Adopted 9/15/80)
- Rule 1102 Daily Reporting of Air Quality (Adopted 9/15/80)
- Rule 1103 Annual Reporting (Adopted 9/15/80)
- Rule 1104 Health Effects (Adopted 9/15/80)
- Rule 1105 Public Awareness and Involvement (Adopted 9/15/80)

Santa Barbara also submitted the following two (2) administrative rules:

- Rule 504 Petitions for Variances: Contents (Adopted 10/23/78)
- Rule 506 Emergency Variances (Adopted 10/23/78)

The District may use any administrative procedures it has under state law to implement and enforce the requirements of part 55, such as

a variance. However, as stated in the preamble to part 55, as onshore, a variance will not shield a source from enforcement action by EPA.

Permits

Pursuant to Sec. 55.6:

(1) SBCAPCD will require that the Applicant send a copy of any permit application required by 40 CFR 55.6 to the Administrator through the EPA Regional Office (Attn: A-5-1) at the same time as the application is submitted to SBCAPCD.

(2) SBCAPCD shall send a copy of any public comment notice required under Secs. 55.6, 55.13 or 55.14 to the Administrator through the EPA Regional Office (Attn: A-5-1) and the Minerals Management Service.

(3) SBCAPCD shall send a copy of any preliminary determination and any final permit action required under Secs. 55.6, 55.13, or 55.14 to the Administrator through the EPA Regional Office (Attn: A-5-1) at the time of the determination and shall make available to the Administrator any materials used in making the determination.

(4) SBCAPCD shall provide written notice of any permit application from a source, the emissions from which may affect a Class I area, to the Federal Land Manager of that area.

(5) The District shall request EPA guidance on any matter involving the interpretation of section 328 of the Act or the delegated sections of the Outer Continental Shelf Air Regulations or 40 CFR part 55 to the extent that implementation, review, administration or enforcement of these provisions has not been covered by EPA determinations or guidance sent or communicated to the District.

(6) Pursuant to its authority under the Clean Air Act, EPA may review permits issued by the District under this agreement to ensure that the District's implementation of Rule 903 is consistent with the time frames and requirements of the federal regulations.

Exemptions

Pursuant to Sec. 55.7:

(1) SBCAPCD shall transmit to the Administrator (through the Regional Office), the Minerals Management Service, and the U.S. Coast Guard, a copy of any permit application that includes an exemption request, or the request for exemption if no permit is required, within 5 days of its receipt.

(2) SBCAPCD shall consult with the Minerals Management Service of the U.S. Department of the Interior and the U.S. Coast Guard to determine whether the exemption under Sec. 55.6(a)(2) will be granted or denied.

(3) If SBCAPCD, the Minerals Management Service, and the U.S. Coast Guard do not reach a consensus decision within 90 days from the day the SBCAPCD received the exemption request, the request shall automatically be referred to the Administrator, who will process the referral in accordance with 40 CFR 55.7(f)(3). SBCAPCD shall transmit to the Administrator, within 91 days of its receipt, the exemption request and all materials submitted with the request, such as the permit application or the compliance plan, and any other information considered or developed during the consultation process.

(4) SBCAPCD will process exemption requests submitted with an approval to construct or permit to operate application in accordance with the procedures outlined in 40 CFR part 55.

Monitoring, Reporting, Inspections, and Compliance

SBCAPCD may use any authority it possesses under state law to require monitoring and reporting, and to conduct inspections. The Administrator or SBCAPCD shall consult with the Minerals Management Service and the U.S. Coast Guard prior to inspections. This shall in no

way interfere with the ability of EPA or SBCAPCD to conduct unannounced inspections.

General Conditions

(1) SBCAPCD shall implement and enforce the Federal requirements of 40 CFR 55.13 as well as the applicable state and local requirements contained in 40 CFR 55.14.

(2) The primary responsibility for enforcement of the OCS air regulations delegated to the District shall rest with the SBCAPCD. This responsibility includes the District's implementation and enforcement of all the rules and regulations in part 55 specifically stated and interpreted by the District as being applicable to OCS sources, such as SBCAPCD's Rule 331 prohibiting routine venting of pollutants.

(3) Nothing in this agreement shall prohibit EPA from enforcing the OCS requirements of the Clean Air Act, the OCS air regulations, or the terms and conditions of any permit issued by the District pursuant to this agreement.

(4) In the event that the District does not enforce a provision of this delegation with respect to a source subject to the OCS air regulations, the District shall immediately notify the EPA Region 9 Regional Administrator. Failure to notify the Regional Administrator does not preclude EPA from exercising its enforcement authority.

(5) EPA shall retain authority to implement and enforce all requirements for OCS sources located beyond 25 miles from California's seaward boundaries.

(6) This delegation may be amended at any time by the formal written agreement of both the SBCAPCD and the U.S. EPA including amendments to add, change, or remove conditions or terms of this agreement.

(7) If SBCAPCD adopts revisions to the District regulations reviewed by EPA and found to meet the requirements set forth at 40 CFR 55.11 for delegation, the parties may amend the agreement pursuant to condition 6 above, or EPA may take steps to revoke the delegation in whole or in part pursuant to condition 8 below. Any amendments to regulations submitted by the District to meet the requirements of 40 CFR 55.11 shall not be applied under this agreement until EPA has reviewed such amendments and determined that they are still adequate to implement and enforce the delegable portions of 40 CFR part 55.

(8) This delegation, after consultation with the SBCAPCD, may be revoked in whole or in part, if the U.S. EPA determines that the SBCAPCD no longer meet the requirements for delegation set forth at 40 CFR 55.11(b)(1-4). Any such revocation shall be effective as of the date specified in a Notice of Revocation to the SBCAPCD.

(9) This delegation of authority becomes effective upon the date of the signature of both parties to this Agreement.

(10) A notice of this delegated authority will be published in the Federal Register.

Dated: October 29, 1993.

James M. Ryerson,
Santa Barbara County Air Pollution Control District.

Dated: October 29, 1993.

William W. Master,
Santa Barbara County Air Pollution Control District.

Dated: November 5, 1993.

Felicia Marcus,
U.S. Environmental Protection Agency.

Dated: November 8, 1993.

David Howekamp,

U.S. Environmental Protection Agency.

II

U. S. EPA--San Luis Obispo County APCD Agreement for Delegation of Authority for Outer Continental Shelf Air Regulations (40 CFR Part 55)

The undersigned, on behalf of the San Luis Obispo County Air Pollution Control District ('SLOCAPCD' or 'the District') and the United States Environmental Protection Agency ('EPA'), hereby agree to the delegation of authority from EPA to SLOCAPCD to implement and enforce the requirements of the Outer Continental Shelf Air Regulations ('OCS') (40 CFR part 55) within 25 miles of the state's seaward boundary, pursuant to section 328(a)(3) of the Clean Air Act ('the Act'), subject to the terms and conditions below. EPA has reviewed SLOCAPCD's request for delegation and has found that SLOCAPCD's regulations meet the requirements for delegation set forth at 40 CFR 55.11. This delegation includes authority for the following sections of the Outer Continental Shelf Air Regulations:

Section	Title
55.1...	Statutory authority and scope.
55.2...	Definitions.
55.3...	Applicability.
55.4...	Requirements to submit a notice of intent.
55.6...	Permit requirements.
55.7...	Exemptions.
55.8...	Monitoring, reporting, inspections, and compliance.
55.9...	Enforcement.
55.10..	Fees.
55.13..	Federal requirements that apply to OCS sources.
55.14..	Requirements that apply to OCS sources located within 25 miles of states' seaward boundaries by state.

EPA is not delegating the authority to implement and enforce Secs. 55.5 (Corresponding onshore area designation), 55.11 (Delegation), and 55.12 (Consistency updates), as authority for these sections is reserved to the Administrator. In addition, SLOCAPCD does not have SIP-approved Prevention of Significant Deterioration ('PSD') regulations, nor has it received delegation of authority from EPA for implementation and enforcement of the federal PSD program. Therefore, EPA shall retain authority for the PSD provisions of part C of the Act and the regulations promulgated thereunder at 40 CFR 52.21.

Under section 328(a)(3) of the Act, EPA may delegate authority to implement and enforce the OCS air regulations to a state if that state is adjacent to an OCS source and the Administrator determines that the state's regulations are adequate. The State of California is adjacent to a number of OCS sources. For the OCS sources for which the San Luis Obispo County has been designated the corresponding onshore area (COA), the State has submitted SLOCAPCD's regulations to EPA and requested that EPA delegate to SLOCAPCD authority to implement and enforce the OCS air regulations. SLOCAPCD's regulations have been reviewed by EPA and determined to be adequate for implementing and enforcing the delegable sections of 40 CFR part 55.

The OCS air regulations set forth the following criteria for delegation at 40 CFR 55.11:

(1) The state has adopted the appropriate portions of 40 CFR part 55 into state law--SLOCAPCD adopted Rule 215, Outer Continental Shelf Air Regulations, on November 17, 1992. This rule incorporates the

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provisions of 40 CFR part 55 that EPA is delegating to the District.
(NOTE: Section 55.5, corresponding onshore area designations, was adopted by SLOCAPCD but EPA will not delegate authority for this section, as provided by Sec. 55.11(a)).

(2) The state has adequate authority under state law to implement and enforce the requirements of part 55--According to a letter dated January 25, 1993 and forwarded to EPA from the State Attorney General, SLOCAPCD has the authority to implement and enforce the requirements of part 55.

(3) The state has adequate resources to implement and enforce the requirements of part 55--SLOCAPCD has submitted information documenting that the District has adequate resources to implement and enforce the requirements of part 55.

(4) The state has adequate administrative procedures to implement and enforce the requirements of this part, including public notice and comment procedures--SLOCAPCD's administrative procedures have been reviewed by EPA and found to be adequate. The following rules were submitted by SLOCAPCD for review to meet this requirement:

Rule 110 Enforcement (Adopted 8/2/76)
Rule 111 Arrests and Notices to Appear (Adopted 8/2/76)
Rule 112 Public Availability of Information (Adopted 12/6/76)
Rule 202 Permits (Adopted 11/5/91) (except A.4 and A.8)
Rule 204 New Source Review Requirements B.3. (Adopted 8/10/93)
Rule 205 Action on Applications (Adopted 11/5/91)
Rule 206 Conditional Approval (Adopted 11/5/91)
Rule 210 Periodic Inspection (Adopted 11/5/91)
Rule 211 Emission Banking (Adopted 8/10/93)
Rule 212 Community Bank (Adopted 8/10/93)
Rule 213 Calculations (Sec. F.) (Adopted 8/10/93)
Rule 214 Notification (Adopted 8/10/93)
Rule 302 Schedule of Fees (Adopted 9/15/92)

The District may use any administrative procedures it has under State law to implement and enforce the requirements of part 55, such as a variance. However, as stated in the preamble to part 55, as onshore, a variance will not shield a source from enforcement action by EPA.

Permits

Pursuant to Sec. 55.6:

(1) SLOCAPCD will require that the Applicant send a copy of any permit application required by 40 CFR 55.6 to the Administrator through the EPA Regional Office (Attn: A-5-1) at the same time as the application is submitted to SLOCAPCD.

(2) SLOCAPCD shall send a copy of any public comment notice required under Secs. 55.6, 55.13 or 55.14 to the Administrator through the EPA Regional Office (Attn: A-5-1) and the Minerals Management Service.

(3) SLOCAPCD shall send a copy of any preliminary determination and any final permit action required under Secs. 55.6, 55.13, or 55.14 to the Administrator through the EPA Regional Office (Attn: A-5-1) at the time of the determination and shall make available to the Administrator any materials used in making the determination.

(4) SLOCAPCD shall provide written notice of any permit application from a source, the emissions from which may affect a Class I area, to the Federal Land Manager of that area.

(5) The District shall request EPA guidance on any matter involving the interpretation of section 328 of the Act, the delegated sections of the OCS regulations or any other provision of 40 CFR part 55 to the extent that implementation, review, administration or enforcement of these provisions has not been covered by determinations or guidance sent to the District.

(6) Pursuant to its authority under the Clean Air Act, EPA may review permits issued by the District under this agreement to ensure that the District's implementation of Rule 215 is consistent with the time frames and requirements of the federal regulations (40 CFR part 55).

Exemptions

Pursuant to Sec. 55.7:

(1) SLOCAPCD shall transmit to the Administrator (through the Regional Office), the Minerals Management Service, and the U. S. Coast Guard, a copy of the permit application that includes an exemption request, or the request for exemption if no permit is required, within 5 days of its receipt.

(2) SLOCAPCD shall consult with the Minerals Management Service of the U.S. Department of the Interior and the U.S. Coast Guard to determine whether the exemption will be granted or denied.

(3) If SLOCAPCD, the Minerals Management Service, and the U.S. Coast Guard do not reach a consensus decision within 90 days from the day the SLOCAPCD received the exemption request, the request shall automatically be referred to the Administrator, who will process the referral in accordance with 40 CFR 55.7(f)(3). SLOCAPCD shall transmit to the Administrator, within 91 days of its receipt, the exemption request and all materials submitted with the request, such as the permit application or the compliance plan, and any other information considered or developed during the consultation process.

(4) SLOCAPCD will process exemption requests submitted with an approval to construct or permit to operate application in accordance with the procedures outlined in 40 CFR part 55.

Monitoring, Reporting, Inspections, and Compliance

SLOCAPCD may use any authority it possesses under state law to require monitoring and reporting, and to conduct inspections. The Administrator or SLOCAPCD shall consult with the Minerals Management Service and the U.S. Coast Guard prior to inspections. This shall in no way interfere with the ability of EPA or SLOCAPCD to conduct unannounced inspections.

General Conditions

(1) SLOCAPCD shall implement and enforce the Federal requirements of 40 CFR 55.13 as well as the applicable state and local requirements contained in 40 CFR 55.14. Notwithstanding the above, EPA retains authority for implementation and enforcement of the PSD requirements of part C of the Act and 40 CFR 52.21.

(2) The primary responsibility for enforcement of the OCS air regulations delegated to the District shall rest with the SLOCAPCD. Nothing in this agreement shall prohibit EPA from enforcing the OCS requirements of the Clean Air Act, the OCS regulations, or the terms and conditions of any permit issued by the District pursuant to this agreement.

(3) In the event that the District is unwilling or unable to enforce a provision of this delegation with respect to a source subject to the OCS air regulations, the District will immediately notify the EPA Region 9 Regional Administrator. Failure to notify the Regional Administrator does not preclude EPA from exercising its enforcement authority.

(4) EPA shall retain authority to implement and enforce all requirements for OCS sources located beyond 25 miles from the state's seaward boundaries.

(5) This delegation may be amended at any time by the formal written agreement of both the SLOCAPCD and the U.S. EPA including

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amendments to add, change, or remove conditions or terms of this agreement.

(6) If SLOCAPCD adopts revisions to the District regulations reviewed by EPA and found to meet the requirements set forth at 40 CFR 55.11 for delegation, the parties may amend the agreement pursuant to condition 5 above, or EPA may take steps to revoke the delegation in whole or in part pursuant to condition 7 below. Any amendments to regulations submitted by the District to meet the requirements of 40 CFR 55.11 shall not be applied under this agreement until EPA has reviewed such amendments and determined that they are still adequate to implement and enforce the delegable portions of 40 CFR part 55.

(7) This delegation, after consultation with the SLOCAPCD, may be revoked in whole or in part if the U.S. EPA determines that the SLOCAPCD no longer meets the requirements for delegation set forth at 40 CFR 55.11(b)(1-4). Any such revocation shall be effective as of the date specified in a Notice of Revocation to the SLOCAPCD.

(8) This delegation of authority becomes effective upon the date of the signature of both parties to this Agreement.

(9) A notice of this delegated authority will be published in the Federal Register.

Dated: January 12, 1994

David P. Howekamp,
Director, Air and Toxics Division, Region 9.

Dated: January 18, 1994.

John Wise,
Acting Regional Administrator, Region 9.
County of San Luis Obispo.

Harry L. Ovitt,
Chairman of the Board of Supervisors.

Attest:
F.M. Cooney,
Clerk of the Board of Supervisors.

Approved as to Form and Legal Effect:
James B. Lindhold, Jr.
County Counsel
R. Biering
Deputy County Counsel.

Dated: November 18, 1993.

III

U.S. EPA--Ventura County APCD Agreement for Delegation of Authority for Outer Continental Shelf Air Regulations (40 CFR Part 55)

The undersigned, on behalf of the Ventura County Air Pollution Control District ('VCAPCD' or 'the District') and the United States Environmental Protection Agency ('EPA'), hereby agree to the delegation of authority from EPA to VCAPCD to implement and enforce the requirements of the Outer Continental Shelf Air Regulations ('OCS') (40 CFR part 55) within 25 miles of the state's seaward boundary,

OCS Delegation S.B, ventura, San Luis.txt
pursuant to section 328(a)(3) of the Clean Air Act ('the Act'),
subject to the terms and conditions below. EPA has reviewed VCAPCD's
request for delegation and has found that VCAPCD's regulations meet the
requirements for delegation set forth at 40 CFR 55.11.

This delegation includes authority for the following sections of
the Outer Continental Shelf Air Regulations:

Section	Title
55.1...	Statutory authority and scope
55.2...	Definitions
55.3...	Applicability
55.4...	Requirements to submit a notice of intent
55.6...	Permit requirements
55.7...	Exemptions
55.8...	Monitoring, reporting, inspections, and compliance
55.9...	Enforcement
55.10..	Fees
55.13..	Federal requirements that apply to OCS sources
55.14..	Requirements that apply to OCS sources located within 25 miles of states' seaward boundaries by state.

EPA is not delegating the authority to implement and enforce
Secs. 55.5 (Corresponding onshore area designation), 55.11
(Delegation), and 55.12 (Consistency updates), as authority for these
sections is reserved to the Administrator. In addition, VCAPCD does not
have SIP-approved PSD regulations, nor has it received delegation of
authority from EPA for implementation and enforcement of the federal
PSD program. Therefore, EPA shall retain authority for the PSD
provisions of part C of the Act and the regulations promulgated
thereunder at 40 CFR 52.21.

Under section 328(a)(3) of the Act, EPA may delegate authority to
implement and enforce the OCS air regulations to a state if that state
is adjacent to an OCS source and the Administrator determines that the
state's regulations are adequate. The State of California is adjacent
to a number of OCS sources. For the OCS sources for which the Ventura
County APCD has been designated the corresponding onshore area (COA),
the State has submitted VCAPCD's regulations to EPA and requested that
EPA delegate authority to VCAPCD to implement and enforce the OCS air
regulations. VCAPCD's regulations have been reviewed by EPA and
determined to be adequate for implementing and enforcing the delegable
sections of 40 CFR part 55.

The OCS regulations set forth the following criteria for delegation
at 40 CFR 55.11:

(1) The state has adopted the appropriate portions of 40 CFR part
55 into state law--VCAPCD adopted Rule 72.1, Outer Continental Shelf
Air Regulations, on December 22, 1992. This rule incorporates the
provisions of 40 CFR Part 55 that EPA is delegating to the District.
(NOTE: Section 55.5, corresponding onshore area designations, was
adopted by VCAPCD but EPA will not delegate authority for this section,
as provided by Sec. 55.11(a)).

(2) The state has adequate authority under state law to implement
and enforce the requirements of part 55--According to the State
Attorney General's January 12, 1993 letter which was forwarded to EPA,
VCAPCD has the authority to implement and enforce the requirements of
part 55.

(3) The state has adequate resources to implement and enforce the
requirements of part 55--VCAPCD has submitted information documenting
that the District has adequate resources to implement and enforce the
requirements of part 55.

(4) The state has adequate administrative procedures to implement and enforce the requirements of part 55, including public notice and comment procedures--VCAPCD's administrative procedures have been reviewed by EPA and found to be adequate. The following rules were submitted by VCAPCD for review to meet this requirement:

Rule 8 Access to Facilities (Adopted 5/23/72, renumbered 11/21/78)

Rule 9 Arrest Authority (Adopted 11/21/78)

Rule 17 Disclosure of Air Toxics (Adopted 4/17/90)

Rule 25* Action on Applications (Adopted 1/10/84)

Rule 26.7 New Source Review (Adopted 12/22/92)

Rule 29 Conditions on Permits (Adopted 10/22/91)

Rule 31 Public Disclosure of Data (Adopted 11/22/77)

Regulation VIII Emergency Action (Adopted 11/22/77)

*District Rule 25 contains procedures for processing permit applications. When an exemption request is submitted, section 55.6(a)(2) will supersede Rule 25.

EPA maintains that the District may use any administrative procedures it has under State law to implement and enforce the requirements of part 55, such as a variance. However, as stated in the preamble to part 55, as onshore, a variance will not shield a source from enforcement action by EPA.

Permits

Pursuant to Sec. 55.6:

(1) VCAPCD will require that the Applicant send a copy of any permit application required by 40 CFR 55.6 to the Administrator through the EPA Regional Office (Attn: A-5-1) at the same time as the application is submitted to VCAPCD.

(2) VCAPCD shall send a copy of any public comment notice required under Secs. 55.6, 55.13 or 55.14 to the Administrator through the EPA Regional Office (Attn: A-5-1) and the Minerals Management Service.

(3) VCAPCD shall send a copy of any preliminary determination and any final permit action required under Secs. 55.6, 55.13 or 55.14 to the Administrator through the EPA Regional Office (Attn: A-5-1) at the time of the determination and shall make available to the Administrator any materials used in making the determination.

(4) VCAPCD shall provide written notice of any permit application from a source, the emissions from which may affect a Class I area, to the Federal Land Manager of that area.

(5) The District will request EPA guidance on any matter involving the interpretation of section 328 of the Act, the delegated sections of the OCS air regulations or any other provision of 40 CFR part 55 to the extent that implementation, review, administration or enforcement of these provisions has not been covered by determinations or guidance sent to the District.

(6) Pursuant to its authority under the Clean Air Act, EPA may review permits issued by the District under this agreement to ensure that the District's implementation of Rule 72.1 is consistent with the time frames and requirements of the federal regulations.

Exemptions

Pursuant to Sec. 55.7:

(1) VCAPCD shall transmit to the Administrator (through the Regional Office), the Minerals Management Service, and the U.S. Coast Guard, a copy of the permit application, or the request for exemption if no permit is required, within 5 days of its receipt.

(2) VCAPCD shall consult with the Minerals Management Service of the U.S. Department of the Interior and the U.S. Coast Guard to determine whether the exemption will be granted or denied.

(3) If VCAPCD, the Minerals Management Service, and the U.S. Coast Guard do not reach a consensus decision within 90 days from the day the VCAPCD received the exemption request, the request shall automatically be referred to the Administrator, who will process the referral in accordance with 40 CFR 55.7(f)(3). VCAPCD shall transmit to the Administrator, within 91 days of its receipt, the exemption request and all materials submitted with the request, such as the permit application or the compliance plan, and any other information considered or developed during the consultation process.

(4) VCAPCD will process exemption requests submitted with an approval to construct or permit to operate application in accordance with the procedures outlined in 40 CFR 55.6(a)(2), which supersedes District Rule 25.

Monitoring, Reporting, Inspections, and Compliance

VCAPCD may use any authority it possesses under state law to require monitoring and reporting, and to conduct inspections. The Administrator or VCAPCD shall consult with the Minerals Management Service and the U.S. Coast Guard prior to inspections. This shall in no way interfere with the ability of EPA or VCAPCD to conduct unannounced inspections.

General Conditions

(1) VCAPCD agrees to implement and enforce the Federal requirements of 40 CFR 55.13 as well as the applicable state and local requirements contained in 40 CFR 55.14. Notwithstanding the above, EPA retains authority for implementation and enforcement of the PSD requirements of part C of the Act and 40 CFR 52.21.

(2) The primary responsibility for enforcement of the OCS air regulations delegated to the District will rest with the VCAPCD. Nothing in this agreement shall prohibit EPA from regulations, or the terms and conditions of any permit issued by the District pursuant to this agreement.

(3) In the event that the District is unwilling or unable to enforce a provision of this delegation with respect to a source subject to the OCS air regulations, the District will immediately notify the EPA Region 9 Regional Administrator. Failure to notify the Regional Administrator does not preclude EPA from exercising its enforcement authority.

(4) EPA shall retain authority to implement and enforce all requirements for OCS sources located beyond 25 miles from states' seaward boundaries.

(5) This delegation may be amended at any time by the formal written agreement of both the VCAPCD and the U.S. EPA including amendments to add, change, or remove conditions or terms of this agreement.

(6) If VCAPCD adopts revisions to the District regulations reviewed by EPA and found to meet the requirements set forth at 40 CFR 55.11 for delegation, the parties may amend the agreement pursuant to condition 5 above, or EPA may take steps to revoke the delegation in whole or in part pursuant to condition 7 below. Any amendments to regulations submitted by the District to meet the requirements of 40 CFR 55.11 shall not be applied under this agreement until EPA has reviewed such amendments and determined that they are still adequate to implement and enforce the delegable portions of 40 CFR part 55.

(7) If the U.S. EPA determines that: (a) The requirements of the OCS air regulations are not being adequately implemented or enforced by VCAPCD; or (b) VCAPCD no longer has adequate regulations as required by 40 CFR 55.11(b) in accordance with the terms and conditions of this delegation, the requirements of 40 CFR part 55, or the Clean Air Act, this delegation, after consultation with the VCAPCD, may be revoked in

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whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the VCAPCD.

(8) This delegation of authority becomes effective upon the date of the signature of both parties to this Agreement.

(9) A notice of this delegated authority will be published in the Federal Register.

Dated: January 18, 1994.
Vicky Howard,
Ventura County Air Pollution Control District.

Dated: January 27, 1994.
John Wise,
Acting Regional Administrator, Region 9.

EPA Action

The EPA hereby notifies the public that it has delegated the authority to implement and enforce the requirements of the OCS air regulations (40 CFR part 55) promulgated by EPA on September 4, 1992 to the above-referenced local agencies.

The Office of Management and Budget has exempted this rulemaking from the requirements of section 6 of Executive Order 12866.

This notice is issued under the authority of section 328 of the Clean Air Act, 42 U.S.C. 7627.

Dated: February 26, 1994.
Felicia Marcus,
Regional Administrator.
[FR Doc. 94-5869 Filed 3-11-94; 8:45 am]
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