



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VI

ALLIED BANK TOWER AT FOUNTAIN PLACE

1445 ROSS AVENUE

DALLAS, TEXAS 75202

MAY 27 1988

REPLY TO: 6T-AN

Mr. Steven N. Spaw, P.E.  
Deputy Executive Director  
Texas Air Control Board  
6330 Highway 290 East  
Austin, Texas 78723

RE: NSPS Subpart AAA -- New Residential Wood Heaters

Dear Mr. Spaw:

This letter is in response to your letter of April 22, 1988, concerning the inspections of the new residential wood heaters in retail stores for compliance with Subpart AAA. The Environmental Protection Agency (EPA) reserved authority to implement and enforce all of the requirements of this subpart except the inspections of the heaters at the retail stores. Your letter notifies us that the Texas Air Control Board does not wish to accept the enforcement authority for inspections of the heaters subject to this subpart at the retail stores.

We have considered your request and we would have preferred to see the State accepting authority for the applicable portion of this subpart. Since the New Source Performance Standards (NSPS) delegation agreement provides the State with an option to decline implementation and enforcement authority for whole or part of any NSPS, we will exclude this subpart from the delegation agreement. The exclusion supplement to the delegation agreement and the appropriate Federal Register notice will be processed in the near future.

In the meantime, if you have any questions concerning this subject, please contact me or have your staff contact Mr. J. Behnam of my staff at (214) 655-7214.

Sincerely yours,

A handwritten signature in cursive script that reads "Bill".

William B. Hathaway  
Director  
Air, Pesticides and Toxics Division (6T)

# TEXAS AIR CONTROL BOARD

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AUSTIN, TEXAS 78723  
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April 22, 1988

Mr. William B. Hathaway, Director (6T)  
Air, Pesticides and Toxics Division  
U. S. Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733



Dear Mr. Hathaway:

This is in response to the March 4, 1988 letter from Mr. Robert L. Ajax, Chief, Standards Development Branch, regarding the recently published standards of performance for residential wood heaters. It is our understanding that, because wood heaters are mass produced and marketed nationally, the U. S. Environmental Protection Agency (EPA) will operate a centralized program to provide the federal oversight to ensure national consistency in enforcing the new standards.

In regard to EPA being prepared to delegate the authority to conduct inspections at retail outlets to verify that appliances affected by the standards are in compliance, the Texas Air Control Board (TACB) does not presently possess the resources for implementation of a retail outlet inspection program.

Therefore, please be advised that the TACB does not intend to seek delegation of authority to conduct inspections of residential wood heater retail outlets. If you have any questions regarding this matter, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Spaw".

Steve Spaw, P.E.  
Deputy Executive Director

cc: Mr. Robert E. Layton, Jr., Regional Administrator,  
U. S. Environmental Protection Agency, Region 6, Dallas

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