

SEP 1 1982

5AMD

CERTIFIED MAIL RETURN
RECEIPT REQUESTED

Mr. Louis J. Breimhurst
Executive Director
Minnesota Pollution Control Agency
1935 W. County Road B2
Roseville, Minnesota 55113-2785

Dear Mr. Breimhurst:

On August 13, 1982, you requested delegation of authority to implement and enforce the New Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) which have been promulgated since your previous request of June 27, 1977. The request included all revisions and amendments to the previously delegated NSPS and NESHAPS.

We have reviewed the pertinent procedures and supporting regulations of the State of Minnesota and have determined that the State has an adequate program for the implementation and enforcement of the NSPS and NESHAPS. Therefore, in accordance with Clean Air Act Sections 111(c) and 112(d) and subject to the specific terms and conditions set forth below, the U.S. Environmental Protection Agency (USEPA) hereby delegates authority to the State of Minnesota to implement and enforce the NSPS and NESHAPS as follows:

- A. Authority for all sources located in the State of Minnesota subject to the NSPS promulgated in 40 CFR Part 60, as amended, as of August 13, 1982. This delegation includes the source categories in Subpart D, Da, E, F, G, H, I, J, K, Ka, L, M, N, O, P, Q, R, S, T U, V, W, X, Y, Z, AA, BB, CC, DD, GG, HH, KK, MM, NN, PP, and UU.
- B. Authority for all sources located in the State of Minnesota subject to the NESHAPS promulgated in 40 CFR Part 61, as amended, as of August 13, 1982. This delegation includes the pollutant categories of asbestos, beryllium, mercury, and vinyl chloride in Subparts B, C, D, E, and F.
- C. This delegation of authority for NSPS and NESHAPS supersedes the previous statewide delegations of September 20, 1977, and is subject to the following terms and conditions:

1. Upon approval of the Regional Administrator of Region V, the Executive Director of the Minnesota Pollution Control Agency (MPCA) may subdelegate this authority to implement and enforce the NSPS and NESHAPS to other air pollution authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.
2. This delegation does not include the Administrator's responsibility to establish opacity standards as set forth in 40 CFR 60.11(e)(4).
3. The State of Minnesota will at no time grant a waiver of compliance with NESHAPS.
4. The Federal NSPS regulations in 40 CFR Part 60, as amended, do not have provisions for granting waivers by class of testing requirements or variances, hence this delegation does not convey to the State of Minnesota authority to grant waivers by class of testing requirements or variances from NSPS regulations.
5. The State of Minnesota will utilize the methods specified in appendices and Subparts of 40 CFR Parts 60 and 61 in performing source tests pursuant to the regulations.
6. Enforcement of NSPS and NESHAPS in the State of Minnesota will be the primary responsibility of the State of Minnesota. If, after appropriate discussion with the MPCA, the Regional Administrator determines that a State procedure for implementing and enforcing the NSPS or NESHAPS is not in compliance with Federal regulations (40 CFR Parts 60 and 61), or is not being effectively carried out, this delegation will be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Executive Director of the MPCA.
7. The Division of Air Quality 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 Minnesota; (b) the interpretation of applicable regulations; and (c) the description of sources and source inventory data. The reporting provisions in 40 CFR Section 60.4 and 61.04 requiring industry to make submissions to the USEPA are met by sending such submissions to the MPCA. The MPCA will make available this information to the USEPA on a case-by-case basis.
8. Prior USEPA concurrence is to be obtained on any matter involving the interpretation of Sections 111 or 112 of the Clean Air Act or 40 CFR to the extent that application, implementation, administration, or enforcement of these sections have not been covered by determinations or guidance sent to the Division of Air Quality. This concurrence request includes the innovative technology waivers authorized in Section 111(j) of the Clean Air Act.

9. If the State of Minnesota determines that a violation of a delegated NSPS or NESHAPS exists, the Division of Air Quality shall immediately 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.

A notice announcing this delegation will be published in the Federal Register in the near future. This delegation becomes effective as of the date of this letter and, unless the USEPA receives written notice from the HPCA of objections within 10 days of the receipt of this letter, it will be deemed that the State has accepted all the terms and conditions of this delegation.

Sincerely yours,

/s/ original signed by
Valdas V. Adamkus

Valdas V. Adamkus
Regional Administrator

bcc: Bortzer
Van Mersbergen
Hinkle

5AMD:APB:TAS:TU:VAN MERSBERGEN:aw:8/25/82

Handwritten initials and date:
AW
for
8/24

Handwritten initials and date:
RVM
25 Aug '82

Handwritten initials and date:
JMP
8/25/82

Handwritten initials and date:
WJ
9/01/82

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KE
8/26

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Handwritten signature and date:
SR
Act. Director
AMD
5/27/82

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JGA