

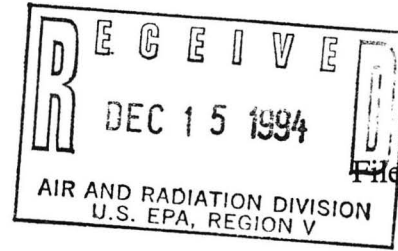


State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

George E. Meyer
Secretary

December 9, 1994

Gary Gulezian, Chief
Air Toxics and Radiation Branch (AT-18J)
U.S. Environmental Protection Agency - Region V
77 West Jackson Boulevard
Chicago, IL 60604-3590



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File Code: 4503-12

SUBJECT: Your November 10, 1994 letter regarding Wisconsin's plans for delegation of authority under Section 112(l) of the Clean Air Act

^{GAM}
Dear Mr. ~~Gulezian~~:

Section 112(l) of the Clean Air Act established a mechanism for State regulatory agencies to voluntarily accept delegation of authority to implement and enforce emission standards and other requirements promulgated under Section 112. Your November 10, 1994 letter asks the Wisconsin Department of Natural Resources (DNR) to voluntarily request delegation. This is to inform you that the DNR intends to request such delegation by April 1, 1995.

Your November 10 letter also asks Wisconsin to commit to two specific steps with regard to the Hazardous Organic NESHAP (HON): source identification and inspections. As requested, the DNR will send a letter to Region 5 by January 31, 1995, which identifies sources and processes in Wisconsin that we believe may be subject to HON requirements. Also as requested, DNR representatives will accompany EPA representatives on any HON-related inspections in our State in 1995, should such inspections be deemed necessary. However, the DNR is unclear on two issues raised by your letter regarding delegation, and requests that you clarify Region 5's position on the following:

First, it is our understanding, based on previous correspondence with U.S. EPA and Region 5, that the DNR will receive "pass through" delegation of authority to implement Section 112 when our Title V permit program is approved. Because delegation will essentially be automatic, it is our contention that specific delegation of Section 112 can be effectuated by a simple letter of commitment. Your November 10 letter, however, suggests that a more formal request may be required in order to receive delegation. We would request that you clarify Region 5's position on this issue.

Second, the DNR desires more information regarding the monetary incentives you are proposing to provide through the Section 105 grant process. Specifically, we would like you

to address whether the money allocated for States which request delegation of Section 112 emission standards is over and above the base grant, or whether it is a condition for receiving the full amount of the base grant.

Given the significance of delegation of authority, it is important for Region 5 to provide a clear and consistent message to all States on how the 112(l) delegation process will be managed, including the grant provisions. Since it is probable that other Region 5 States may share our confusion regarding delegation and monetary incentives, we request that you schedule a conference call on this subject as soon as possible. Participants should include staff from your office as well as representatives from all Region 5 State air agencies. If necessary, we would also request that a follow-up meeting in Chicago be considered, to further discuss the issues.

If you have any further questions, please don't hesitate to contact me again at 608/266-0603. Specific questions regarding the HON may be directed to John Shenot of my staff at 608/267-0802.

Sincerely,



Donald Theiler, Director
Bureau of Air Management

cc: Bob Belongia - AM/7
Lloyd Eagan - AM/7
Patrick Kirsop - AM/7
Michael Scott - LC/5
John Shenot - AM/7