



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DFC 16 1999

REPLY TO THE ATTENTION OF:

(AR-18J)

Lloyd Eagan, Director
Bureau of Air Management
Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921
Madison, Wisconsin 53707-7921

Dear Ms. Eagan:

This letter is in regards to your April 7, 1999, letter to Richard Karl, then Acting Director of the Air and Radiation Division, concerning the Section 112(1) of the Clean Air Act delegation for the State of Wisconsin. Under the provisions contained in the March 6, 1995, Federal Register notice approving Wisconsin's program for receiving delegation of Section 112(1) standards for Title 40 Code of Federal Regulations Part 70 sources and the August 2, 1996, Memorandum of Agreement between the Wisconsin Department of Natural Resources (WDNR) and the United States Environmental Protection Agency (USEPA) on delegation of non-Part 70 sources, you have requested delegation of implementation and enforcement authority of additional Part 63 Maximum Achievable Control Technology (MACT) standards.

This letter amends the delegation of Section 112 standards for Part 70 and non-Part 70 sources already delegated to the State. This delegation includes the already delegated standards for the general provisions and for perchloroethylene air emission standards for dry cleaning facilities, industrial process cooling towers, and halogenated solvent cleaning, i.e., Part 63 MACT Standard Subparts M, Q, and T, respectively. You have requested delegation of the Part 63 Subpart N MACT Standard applicable to non-Part 70 sources for hard and decorative chromium electroplating and chromium anodizing tanks. We find that the State of Wisconsin's rule NR 463 "Chromium Emissions From Hard And Decorative Chromium Electroplating And Chromium Anodizing Tanks" pursuant to Section 112(1) is at least as stringent as the Federal standards and therefore the delegation is approvable. Therefore, USEPA delegates to Wisconsin the implementation and enforcement authority for the Part 63 Subpart N MACT Standard applicable to non-part 70 sources for hard and decorative chromium electroplating and chromium anodizing tanks.

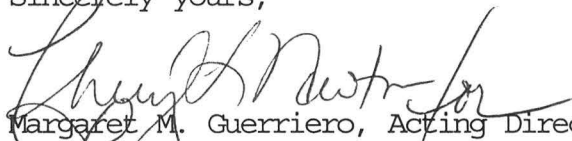
In addition, you have requested delegation of implementation and enforcement authority applicable for non-Part 70 sources for the Part 63 MACT (Subpart O) sterilization facilities standard and the (Subpart X) secondary lead smelter standard. According to the August 2, 1996, Memorandum of Agreement for MACT source categories with more than ten Wisconsin sources, WDNR committed to set such standards into State air quality regulations. Presently, as stated in your letter, there are no such non-Part 70 sources in the State of Wisconsin.

Therefore, WDNR shall include applicable Section 112 requirements in Part 70 and, if any, non-Part 70 permits and in construction permits for new sources. Such permits will incorporate Federal standards into State air pollution control permits, reserving the right to promulgate the standard as a State rule at a later time. The USEPA delegates the implementation and enforcement authority applicable to non-Part 70 sources of the Part 63 MACT (Subpart O) sterilization facilities standard and the (Subpart X) secondary lead smelter standard.

This letter does not include delegation to implement and to enforce for those standards that the State does not wish to include, particularly the coke oven batteries (Subpart L) and hazardous organic National Emission Standards for Hazardous Air Pollutants (Subparts F, G, H, and I) standards.

A notice announcing these delegations will be published in the Federal Register in the near future. If you have any further question or comments, please feel free to contact me, or have your staff contact Constantine Blathras at (312) 886-0671.

Sincerely yours,



Margaret M. Guerriero, Acting Director
Air and Radiation Division

Enclosure

cc: Caroline Garber
Wisconsin Department of Natural Resources



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

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April 7, 1999

PGS-2

Richard Karl, Acting Director
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Subject: Section 112(l) Delegation for the State of Wisconsin

Dear Mr. Karl,

This letter is in response to the December 22, 1998 letter sent by Steve Rothblatt regarding the delegation mechanism and procedures for 25 Part 63 MACT standards promulgated between September 1993 and October 1998.

In keeping with provisions contained in the March 6, 1995 Federal Register Notice (WI001; FRL-5164-9), the April 1, 1997, Federal Register Notice (WI73-01-7302(b); FRL-5691-7) and the August 2, 1996 Memorandum of Agreement between the Wisconsin Department of Natural Resources and the United States Environmental Protection Agency, Region 5 regarding Section 112 of the Clean Air Act, the Department submits the following statements, requests and proofs of adoption regarding enforcement delegation.

It is our assertion that implementation and enforcement authority for source categories in **Table 1** has already been delegated to Wisconsin. This assertion is based on the date these regulations were promulgated at the state level and the declaration in the Final Actions in the April 1997 Federal Register Notice that all existing section 112 standards which have been adopted unchanged into state rules at that point in time, are automatically delegated to the State of Wisconsin. These source categories are: Dry Cleaners, Cooling Towers and Degreasers.

Under the delegation agreement the State is requesting implementation and enforcement authority for the Part 63 standard (chrome platters) in **Table 2** applicable to non-Part 70 sources in Wisconsin. This authority will be implemented and enforced through Wisconsin Administrative Code and the federal operation permits program.

As proof of adoption of state regulations we have attached the relevant sections of the Wisconsin Natural Resources Code for the General Provisions (Subpart A) and the four Part 63 standards in **Tables 1 and 2**.

We are requesting implementation and enforcement authority for 2 source categories contained in **Table 3** with applicability to non-Part 70 sources in Wisconsin. At this time we do not intend to promulgate Administrative Rules for these categories because we do not expect to find any non-Part 70 sources in Wisconsin. We will revisit this decision if through implementation of these standards we find sources that would not otherwise be covered by our Part 70 permit program.

*Quality Natural Resources Management
Through Excellent Customer Service*

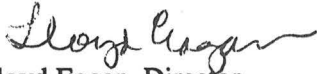


In **Table 4** we have listed how we are implementing the Part 63 standards applicable solely to Part 70 sources for your information. We have previously been delegated implementation and enforcement authority for these source categories through approval of our Part 70 permit program.

We do not intend to promulgate regulations nor seek delegation for source categories in **Table 5**.

As this is the first transmittal of authority under the terms of the delegation agreements we would appreciate acknowledgment of the completeness of the information contained in this letter. If you would like to discuss, or have questions, concerning this transmittal, please feel free to contact Caroline Garber, Chief of the Environmental Studies Section, at 608-264-9218 (garbec@dnr.state.wi.us).

Sincerely,



Lloyd Eagan, Director
Bureau of Air Management

cc: Caroline Garber-AM/7
Pat Kirsop-AM/7
Bill Baumann-AM/7
Dan Johnston-AM/7
Eileen Ingwerson-AM/7
Roger Fritz-AM/7
Renee Lesjack-Bashe!-AM/7

Attachments

Table 1

Part 63 MACT Standard	Part 63 Subpart	Federal Promulgation Date	Non-Part 70 Applicability	Wisconsin Administrative Code	Effective Date
Dry Cleaners	M	09/22/93	Yes	Ch. NR 468	07/01/95
Cooling Towers	Q	09/08/94	Yes	Ch. NR 468	10/01/95
Degreasers	T	12/02/94	Yes	Ch. NR 469	04/01/97

Table 2

Part 63 MACT Standard	Part 63 Subpart	Federal Promulgation Date	Non-Part 70 Applicability	Wisconsin Administrative Code	Effective Date
Chrome Platers	N	01/25/95	Yes	Ch. NR 463	10/01/97

Table 3

Part 63 MACT Standard	Part 63 Subpart	Federal Promulgation Date	Non-Part 70 Applicability	Expected Placement in Wisconsin Administrative Code	Expected Effective Date
Sterilizers	O	12/06/94	Yes	No rule expected	---
Secondary Lead	X	06/23/95	Yes	No rule expected	---

Table 4

Part 63 MACT Standard	Part 63 Subpart	Federal Promulgation Date	Non-Part 70 Applicability	Expected Placement in Wisconsin Administrative Code	Expected Effective Date
Gas Distribution	R	12/14/94	No	No rule expected	---
Magnetic Tape	EE	12/15/94	No	No rule expected	---
Polyamide P/R II	W	03/08/95	No	No rule expected	---
Refineries	CC	08/18/95	No	No rule expected	---
Aerospace	GG	09/01/95	No	No rule expected	---
Marine Vessels	Y	09/19/95	No	No rule expected	---
Wood Furniture	JJ	12/07/95	No	Ch. NR 460's	Dec 2000
Shipbuilding	II	12/15/95	No	No rule expected	---
Printing & Publishing	KK	05/30/96	No	Ch. NR 466	Jan 2000
Off-Site Waste	DD, OO, PP, QQ, RR, W	07/01/96	No	No rule expected	---
Elastomer P/R I	U	09/05/96	No	No rule expected	---
Thermoplastic P/R IV	JJJ	09/12/96	No	No rule expected	---
Primary Aluminum	LL	10/07/97	No	No rule expected	---
Pulp & Paper I	S	04/15/98	No	Ch. NR 460's	mid 2000
Pulp & Paper III	S	04/15/98	No	Ch. NR 460's	mid 2000
Pharmaceuticals	GGG	09/21/98	No	No rule expected	---
Flexible Polyurethane	III	10/07/98	No	No rule expected	---

Table 5

Part 63 MACT Standard	Part 63 Subpart	Federal Promulgation Date	Non-Part 70 Applicability
Coke Ovens	L	10/27/93	No
HON	F,G,H,I	04/22/95	No

standard bcc's: official file copy w/attachment(s)
originator's file copy w/attachment(s)
originating organization reading file w/attachment(s)

other bcc's: PGS Chiefs (via WPO)
B. Valenziano (via WPO)
G. Damico (via WPO)
B. Varner (via WPO)
P. Spyropoulos (via WPO)

ARD:APB:PGS:C.Blathras:cdb:8/18/99

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