



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

SEP 17 2013

OFFICE OF  
AIR, WASTE AND TOXICS

DEQ - HQ  
AIR QUALITY DIVISION

SEP 20 2013

RECEIVED

Mr. Andrew Ginsburg  
Air Quality Division Administrator  
Oregon Department of Environmental Quality  
811 Southwest Sixth Avenue  
Portland, Oregon 97204-1390

Re: Approval of Oregon Department of Environmental Quality's Request for Updated  
Delegation of Authority for National Emission Standards for Hazardous Air Pollutants

Dear Mr. Ginsburg:

This letter is in response to your May 20, 2013, request to update and continue the delegation of the National Emission Standards for Hazardous Air Pollutants (NESHAPs). Consistent with the approved mechanism for streamlined delegation as described in 67 FR 39622-28 (June 10, 2002), the U.S. Environmental Protection Agency (EPA) hereby grants this updated delegation request, as described below, to the Oregon Department of Environmental Quality (ODEQ) for the identified NESHAPs in effect on July 1, 2012.

Delegation Request

You requested to update delegation of the 40 CFR Part 61 and 63 standards that were previously delegated to ODEQ and to obtain delegation of new standards that the EPA has promulgated since your last delegation request as follows:

40 CFR 61 Subparts: A, C, D, E, F, J, L, N, O, P, V, Y, BB, FF

40 CFR 63 Subparts: A, F, G, H, I, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, AAAAA, BBBB, CCCC, EEEE, FFFF, GGGG, HHHH, IIII, LLLL, MMMM, NNNN, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, WWWW, YYYY, ZZZZ, BBBB, DDDD, EEEE, FFFF, GGGG, HHHH, LLLL, MMMM, NNNN, OOOO,

PPPPPP, QQQQQQ, RRRRRR, SSSSSS, TTTTTT,  
VVVVVV, WWWWWW, XXXXXX, YYYYYY, ZZZZZZ,  
AAAAAAA, BBBBBB, CCCCCC, DDDDDD,  
EEEEEE, HHHHHH

ODEQ has demonstrated that the above-mentioned new and updated standards were adopted unchanged into ODEQ's regulations in Oregon Administrative Rules (OAR) 340-244-0220 on March 27, 2013.

#### Delegation Authority

The EPA has determined that ODEQ's regulations continue to provide adequate and effective procedures for implementing and enforcing the NESHAPs. The EPA hereby approves your request for an updated delegation of authority to implement and enforce the NESHAPs identified in Enclosure A, subject to the following terms and conditions:

1. The EPA is delegating the identified federal standards as in effect on July 1, 2012. New NESHAPs or NESHAPs that are revised substantively after that date are not delegated to your agency; these remain the responsibility of the EPA.
  - a. Acceptance of this delegation does not commit your agency to request or accept delegation of future NESHAPs and requirements.
  - b. The EPA encourages your agency to update your NESHAP delegation on an annual basis. This could coincide with the updating of the adoption by reference of the Federal NESHAPs, which is important for maintaining EPA approval of your Title V operating permit program.
2. The EPA is not delegating authorities under 40 CFR Parts 61 and 63 that specifically indicate they cannot be delegated, that require rulemaking to implement, that affect the stringency of the standard, or where national oversight is the only way to ensure national consistency.
3. This delegation is also subject to the terms and conditions of 67 FR 39622-28 (June 10, 2002), Approval of the Clean Air Act, Section 112(1), Delegation of Authority to ODEQ and Lane Regional Air Pollution Authority, to the extent not inconsistent with this letter.
4. As discussed in a January 10, 2006, letter from the Oregon Attorney General's Office, the five-day advance notice required by Oregon Revised Statutes 468.126 and OAR 340-012-0038 is inapplicable to enforcement of Oregon air permits containing NESHAPs.
5. This revised and updated delegation pertains only to ODEQ. Although the EPA delegated NESHAP authority to Lane Regional Air Pollution Authority (LRAPA) in the 2002 NESHAP delegation to ODEQ (see 67 Fed. Reg. 39622) and in a separate delegation to LRAPA in 2006, LRAPA has not submitted a request for delegation of new and revised NESHAPs.

6. The EPA is not delegating 40 CFR Part 63 Subpart DDDDD, because the EPA has made significant amendments to this rule since it was published on July 1, 2012.
7. This delegation is subject to all federal laws and regulations as well as the EPA policies, guidance, and determinations issued pursuant to 40 CFR Part 61 and Part 63.
8. If both a state or local regulation and a federal regulation apply to the same source, both must be complied with, regardless of whether one is more stringent than the other, pursuant to the requirements of Section 116 of the Clean Air Act.
9. Implementation and enforcement of the delegated NESHAPs are subject to the current Compliance Assurance Agreement for Air Quality signed by ODEQ and the EPA. This agreement defines roles and responsibilities, including timely and appropriate enforcement response and the maintenance of the Aerometric Facility Subsystem (AFS).
10. Enforcement of these delegated NESHAPs in your jurisdiction will be the primary responsibility of your agency. Nevertheless, the EPA may exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act with respect to sources which are subject to the NESHAPs.
11. Your agency and the EPA should communicate sufficiently to ensure that each is fully informed and current regarding interpretation of regulations (including any unique questions about applicability) and the compliance status of subject sources in your jurisdiction.
  - a. Any records or reports provided to or otherwise obtained by your agency should be made available to the EPA upon request.
  - b. In accordance with 40 CFR 61.16 and 63.15, the availability to the public of information provided to or otherwise obtained by the EPA in connection with this delegation shall be governed by 40 CFR Part 2.
12. Your agency will be the recipient of all notifications and reports and be the point of contact for questions and compliance issues for these delegated NESHAPs. The EPA may request notifications and reports from owners and operators and/or your agency.
13. Your agency will work with owners and operators of affected facilities subject to a NESHAP Subpart to ensure all required information is submitted to your agency. We request your assistance to ensure that this information – including excess reports and summaries – is submitted to the EPA upon request.
14. Your agency will ensure that all relevant source notification and report information is entered into the AFS database system to meet your recordkeeping and reporting requirements. The AFS reporting elements for “source information” that your agency is expected to provide include, but are not limited to:

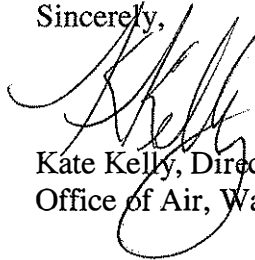
- a) Identification of source;
  - b) Pollutants regulated;
  - c) Applicability of subparts;
  - d) Permit number for specific source or sub-unit;
  - e) Dates of most recent NESHAP compliance evaluations (inspections); and
  - f) Compliance status
15. Your agency will require affected facilities to utilize the methods specified in 40 CFR Part 61 and 63 in performing source tests pursuant to the regulations. See 40 CFR 63.7.
16. Changes and alternatives:
- a. Your agency is not delegated authority to approve “major changes to test methods,” “major changes to monitoring,” “major changes to recordkeeping/reporting,” equivalent methods, alternative methods, emerging technologies, equivalent means of emission limitations, petitions for exemptions, and time extensions. Such approvals remain the responsibility of the EPA.
  - b. Approval of “minor changes to test methods,” “intermediate changes to test methods,” “minor changes to monitoring,” “intermediate changes to monitoring,” and “minor changes to recordkeeping/reporting” is delegated to your agency.
  - c. Your agency must maintain a record of all approved alternatives to monitoring, testing, recordkeeping/reporting requirements and provide this list of alternatives to the EPA semi-annually or more frequently if requested by the EPA. The EPA may audit any approved alternatives and disapprove any that it determines are inappropriate, after discussion with your agency. If changes are disapproved, your agency must notify the owner/operator that it must revert to the original applicable monitoring, testing, recordkeeping, and/or reporting requirements. Also, in cases where the owner/operator does not maintain the conditions which prompted the approval of the alternatives to the monitoring, testing, recordkeeping, and/or reporting requirements, your agency must require the owner/operator to revert to the original monitoring, testing, recordkeeping, and reporting requirements, or more stringent requirements, if justified.
  - d. For purposes of this paragraph, the terms in quotations have the meaning assigned to them in 40 CFR 63.90.
17. Your agency’s authority to implement and enforce the NESHAPs under this delegation does not extend to sources or activities located in Indian Country, as defined in 18 U.S.C. 1151. Consistent with previous federal program approvals or delegations, the EPA will continue to implement the NESHAPs in Indian Country in Oregon because your agency did not adequately demonstrate authority over sources and activities located within the exterior boundaries of Indian reservations and in other areas of Indian Country.

18. The EPA Administrator delegated to the EPA Region 10 the authority to delegate the NESHAPs to any state or local agency. The state or local agency that receives delegation from the EPA Region 10 does not have the federally recognized authority to further delegate the NESHAPs.
19. If the EPA determines that your agency's procedures for implementing or enforcing the NESHAPs are inadequate or are not being effectively carried out, this delegation may be revoked in whole or in part by written notice of the revocation. Any such revocation will be effective as of the date specified in the notice.

Unless we receive negative comments from you within ten (10) days, this delegation is final and will be effective ten (10) days from the date of this letter. Otherwise, no further correspondence to the EPA is needed from ODEQ to make this delegation effective. We will periodically publish a notice in the Federal Register informing the public of ODEQ's updated delegations.

If you have any questions regarding this approval, please contact Davis Zhen of my staff at (206) 553-7660 or email at [zhen.davis@epa.gov](mailto:zhen.davis@epa.gov).

Sincerely,



Kate Kelly, Director  
Office of Air, Waste and Toxics

Enclosure

cc: Mr. Merlyn Hough, Administrator  
Lane Regional Air Protection Agency



## Enclosure A

### NESHAP Subparts Delegated to Oregon Department of Environmental Quality\*

Part 61 - Subparts†		Delegated
A	General Provisions	X
B	Radon Emissions from Underground Uranium Mines	
C	Beryllium	X
D	Beryllium Rocket Motor Firing	X
E	Mercury	X
F	Vinyl Chloride	X
G	<b>RESERVED</b>	
H	Emissions of Radionuclides other than Radon from Department of Energy Facilities	
I	Radionuclides from Federal Facilities other than Nuclear Regulatory Commission Licensees and not covered by Subpart H	
J	Equipment Leaks (Fugitive Emission Sources) of Benzene	X
K	Radionuclides Emissions from Elemental Phosphorus Plants	
L	Benzene Emissions from Coke By-Product Recovery Plants	X
M	Asbestos	
N	Arsenic Emissions from Glass Manufacturing Plants	X
O	Arsenic Emissions from Primary Copper Smelters	X
P	Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities	X
Q	Radon Emissions from Department of Energy Facilities	
R	Radon Emissions from Phosphogypsum Stacks	
S	<b>RESERVED</b>	
T	Radon Emissions from Disposal of Uranium Mill Tailings	
U	<b>RESERVED</b>	
V	Equipment Leaks (Fugitive Emission Sources)	X
W	Radon Emissions from Operating Mill Tailings	
X	<b>RESERVED</b>	
Y	Benzene Emissions from Benzene Storage Vessels	X
Z	<b>RESERVED</b>	
AA	<b>RESERVED</b>	
BB	Benzene Emissions from Benzene Transfer Operations	X
CC	<b>RESERVED</b>	
DD	<b>RESERVED</b>	
EE	<b>RESERVED</b>	
FF	Benzene Waste Operations	X

\* NESHAP Subparts listed are delegated to Oregon Department of Environmental Quality as in effect on July 1, 2012.

† Any authority within any subpart of 40 CFR 61 that is not delegable is not delegated.

Part 63 - Subparts‡		Delegated
<b>VOLUME 1</b>		
A	General Provisions	X
B	Control Technology Determinations for Major Sources in Accordance with CAA Sections 112(g) and 112(j)	
C	List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List	
D	Regulations Concerning Compliance Extensions for Early Reductions of Hazardous Air Pollutants	
E	Approval of State Programs and Delegation of Federal Authorities	
F	HON - Synthetic Organic Chemical Manufacturing Industry	X
G	HON - Process Vents, Storage Vessels, Transfer Operations and Wastewater	X
H	HON - Equipment Leaks	X
I	HON - Certain Processes Subject to the Negotiated Regulation for Equipment Leaks	X
J	Polyvinyl Chloride and Copolymers Production ( <i>vacated by court</i> )	
K	<b>RESERVED</b>	
L	Coke Oven Batteries	X
M	Perchloroethylene Air Emission Standards for Dry Cleaning Facilities	X
N	Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks	X
O	Ethylene Oxide Emissions Standards for Sterilization Facilities	X
P	<b>RESERVED</b>	
Q	Industrial Process Cooling Towers	X
R	Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)	X
S	Pulp and Paper Industry	X
T	Halogenated Solvent Cleaning	X
U	Group I Polymers and Resins	X
V	<b>RESERVED</b>	
W	Epoxy Resins Production and Non-Nylon Polyamides Production	X
X	Secondary Lead Smelting	X
Y	Marine Tank Vessel Loading Operations	X
Z	<b>RESERVED</b>	
<b>VOLUME 2</b>		
AA	Phosphoric Acid Manufacturing Plants	X
BB	Phosphate Fertilizers Production Plants	X
CC	Petroleum Refineries	X
DD	Off-Site Waste and Recovery Operations	X
EE	Magnetic Tape Manufacturing Operations	X
FF	<b>RESERVED</b>	
GG	Aerospace Manufacturing and Rework Facilities	X
HH	Oil and Natural Gas Production	X
II	Shipbuilding and Ship Repair (Surface Coating)	X
JJ	Wood Furniture Manufacturing Operations	X
KK	Printing and Publishing Industry	X
LL	Primary Aluminum Reduction Plants	X
MM	Chemical Recovery Combustion Sources At Kraft, Soda, Sulfite, and Stand-Alone	X

‡ Any authority within any subpart of 40 CFR 63 that is not delegable is not delegated.



Part 63 - Subparts‡		Delegated
	Semichemical Pulp Mills	
OO	Tanks - Level 1	X
PP	Containers	X
QQ	Surface Impoundments	X
RR	Individual Drain Systems	X
SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or Process	X
TT	Equipment Leaks - Control Level 1	X
UU	Equipment Leaks - Control Level 2	X
VV	Oil-Water Separators and Organic-Water Separators	X
WW	Storage Vessels (Tanks) - Control Level 2	X
XX	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations	X
YY	Source Categories: Generic Maximum Achievable Control Technology Standards	X
<b>ZZ</b>	<b>RESERVED</b>	
<b>AAA</b>	<b>RESERVED</b>	
<b>BBB</b>	<b>RESERVED</b>	
CCC	Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants	X
DDD	Mineral Wool Production	X
<b>VOLUME 3</b>		
EEE	Hazardous Waste Combustors	X
<b>FFF</b>	<b>RESERVED</b>	
GGG	Pharmaceuticals Production	X
HHH	Natural Gas Transmission and Storage Facilities	X
III	Flexible Polyurethane Foam Production	X
JJJ	Group IV Polymers and Resins	X
<b>KKK</b>	<b>RESERVED</b>	
LLL	Portland Cement Manufacturing Industry	X
MMM	Pesticide Active Ingredient Production	X
NNN	Wool Fiberglass Manufacturing	X
OOO	Manufacture of Amino/Phenolic Resins	X
PPP	Polyether Polyols Production	X
<b>VOLUME 4</b>		
QQQ	Primary Copper Smelting	X
RRR	Secondary Aluminum Production	X
<b>SSS</b>	<b>RESERVED</b>	
TTT	Primary Lead Smelting	X
UUU	Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units	X
VVV	Publicly Own Treatment Works	X
<b>WWW</b>	<b>RESERVED</b>	
XXX	Ferroalloys Production: Ferromanganese and Silicomanganese	X
AAAA	Municipal Solid Waste Landfills	X
CCCC	Manufacturing of Nutritional Yeast	X
DDDD	Plywood and Composite Wood Products	X
EEEE	Organic Liquids Distribution (Non-Gasoline)	X
FFFF	Miscellaneous Organic Chemical Manufacturing	X
GGGG	Solvent Extraction for Vegetable Oil Production	X
HHHH	Wet-Formed Fiberglass Mat Production	X

Part 63 - Subparts‡		Delegated
III	Surface Coating of Automobiles and Light-Duty Trucks	X
JJJ	Paper and Other Web Coating	X
KKK	Surface Coating of Metal Cans	X
MMM	Surface Coating for Miscellaneous Metal Parts and Products	X
NNN	Surface Coating of Large Appliances	X
OOO	Printing, Coating, and Dyeing of Fabrics and Other Textiles	X
PPP	Surface Coating of Plastic Parts and Products	X
QQQ	Surface Coating of Wood Building Products	X
RRR	Surface Coating of Metal Furniture	X
SSS	Surface Coating of Metal Coil	X
TTT	Leather Finishing Operations	X
UUU	Cellulose Products Manufacturing	X
VVV	Boat Manufacturing	X
WWW	Reinforced Plastic Composites Production	X
XXX	Rubber tire Manufacturing	X
YYY	Stationary Combustion Turbines	X
<b>VOLUME 5</b>		
ZZZ	Stationary Reciprocating Internal Combustion Engines	
AAAA	Lime Manufacturing Plants	X
BBBB	Semiconductor Manufacturing	X
CCCC	Coke Ovens: Pushing, Quenching, and Battery Stacks	X
DDDD	Industrial, Commercial and Institutional Boilers and Process Heaters	
EEEE	Iron and Steel Foundries	X
FFFF	Integrated Iron and Steel Manufacturing Facilities	X
GGGG	Site Remediation	X
HHHH	Miscellaneous Coating Manufacturing	X
IIII	Mercury Emissions From Mercury Cell Chlor-Alkali Plants	X
JJJJ	Brick and Structural Clay Products Manufacturing ( <i>vacated by court</i> )	
KKKK	Clay Ceramics Manufacturing ( <i>vacated by court</i> )	
LLLL	Asphalt Processing and Asphalt Roofing Manufacturing	X
MMMM	Flexible Polyurethane Foam Fabrication Operations	X
<b>VOLUME 6</b>		
NNNN	Hydrochloric Acid Production	X
OOOO	<b>RESERVED</b>	
PPPP	Engine Test Cells/Stands	X
QQQQ	Friction Materials Manufacturing Facilities	X
RRRR	Taconite Iron Ore Processing	X
SSSS	Refractory Products Manufacturing	X
TTTT	Primary Magnesium Refining	X
UUUU	Coal- and Oil-Fired Electric Utility Steam Generating Units	X
VVVV	<b>RESERVED</b>	
WWWW	Area Sources: Hospital Ethylene Oxide Sterilizers	X
XXXX	<b>RESERVED</b>	
YYYY	Area Sources: Electric Arc Furnace Steelmaking facilities	X
ZZZZ	Area Sources: Iron and Steel Foundries	X
AAAAA	<b>RESERVED</b>	
BBBBB	Area Sources: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline facilities	X

Part 63 - Subparts‡		Delegated
CCCCCC	Area Sources: Gasoline Dispensing Facilities	
DDDDDD	Area Sources: Polyvinyl Chloride and Copolymers Production	X
EEEEEE	Area Sources: Primary Copper Smelting	X
FFFFFF	Area Sources: Secondary Copper Smelting	X
GGGGGG	Area Sources: Primary Nonferrous Metal – Zinc, Cadmium, and Beryllium	X
HHHHHH	Area Sources: Paint Stripping and Misc. Surface Coating Operation at	X
IIIIII	<b>RESERVED</b>	
JJJJJJ	Area Sources: Industrial, Commercial and Institutional Boilers and Process Heaters	
KKKKKK	<b>RESERVED</b>	
LLLLLL	Area Sources: Acrylic and Modacrylic Fibers Production	X
MMMMMM	Area Sources: Carbon Black Production	X
NNNNNN	Area Sources: Chemical Manufacturing – Chromium Compounds	X
OOOOOO	Area Sources: Flexible Polyurethane Foam Production and Fabrication	X
PPPPPP	Area Sources: Lead Acid Battery Manufacturing	X
QQQQQQ	Area Sources: Wood Preserving	X
RRRRRR	Area Sources: Clay Ceramics Manufacturing	X
SSSSSS	Area Sources: Glass Manufacturing	X
TTTTTT	Area Sources: Secondary Nonferrous Metal Process	X
UUUUUU	<b>RESERVED</b>	
VVVVVV	Area Sources: Chemical Manufacturing	X
WWWWWW	Area Sources: Plating and Polishing Operations	X
XXXXXX	Area Sources: Nine Metal Fabrication and Finishing Source Categories	X
YYYYYY	Area Sources: Ferroalloys Production Facilities	X
ZZZZZZ	Area Sources: Aluminum, Copper, and Other Nonferrous Foundries	X
AAAAAAA	Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing	X
BBBBBBB	Area Sources: Chemical Preparations Industry	X
CCCCCCC	Area Sources: Paints and Allied Products Manufacturing	X
DDDDDDD	Area Sources: Prepared Feeds Manufacturing	X
EEEEEEE	Area Sources: Gold Mine Ore Processing and Production	X
HHHHHHH	Polyvinyl Chloride and Copolymers Production	X

