



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
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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 New Source Performance Standards

Dear Mr. Ginsburg:

This letter is in response to your May 20, 2013, request for delegation of authority to implement and enforce certain New Source Performance Standards, 40 CFR Part 60 (NSPS). After review of your request, 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 NSPS in effect on July 1, 2012.

Delegation Request

You requested to update delegation of the 40 CFR Part 60 standards that have previously been delegated to ODEQ and to obtain delegation of new standards that the EPA has promulgated since your last delegation request as follows:

- 40 CFR 60: A, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, H, I, J, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, CC, DD, EE, GG, HH, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV, WWW, AAAA, CCCC, EEEE, KKKK

ODEQ has demonstrated that the above-mentioned new and updated standards were adopted unchanged into ODEQ's regulations in Oregon Administrative Rules (OAR) 340-238-0060 on March 27, 2013.

Delegation of Authority

The EPA has determined that ODEQ's regulations continue to provide adequate and effective procedures for implementing and enforcing the NSPS. Accordingly, the EPA hereby approves your request for an updated delegation of authority to implement and enforce the NSPS

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 NSPS or NSPS 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 NSPS standards and requirements.
 - b. The EPA encourages your agency to update your NSPS delegation on an annual basis. This could coincide with the updating of the adoption by reference of the Federal NSPS standards, which is important for maintaining EPA approval of your Title V operating permit program.
2. The EPA is not delegating authorities under 40 CFR Part 60 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 subject to all federal laws and regulations as well as EPA policies, guidance, and determinations issued pursuant to 40 CFR Part 60.
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 NSPS standards.
5. This revised and updated delegation pertains only to ODEQ. The Lane Regional Air Pollution Authority (LRAPA) has not submitted a request for delegation of new and revised NSPS standards.
6. 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.
7. Implementation and enforcement of the delegated NSPS are subject to the current Compliance Assurance Agreement for Air Quality, signed by both 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).
8. Enforcement of these delegated NSPS standards 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 NSPS.

9. 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 60.9, 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.
10. Your agency will be the recipient of all notifications and reports and be the point of contact for questions and compliance issues regarding these delegated NSPS standards. The EPA may request notifications and reports from owners and operators and, or your agency.
11. Your agency will work with owners and operators of affected facilities subject to an NSPS Subpart to ensure all required information is submitted to your agency. Your assistance is requested to ensure that this information – including excess emission reports and summaries – is submitted to the EPA upon request.
12. Your agency will ensure that all relevant source notification and report information is entered into the AFS database system to meet your recordkeeping/reporting requirements.

The AFS reporting elements for “source information” that your agency is expected to provide include, but are not limited to:

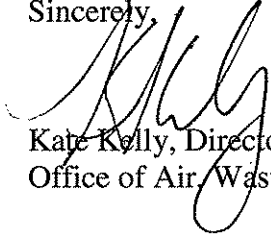
- a) Identification of source;
 - b) Pollutants regulated;
 - c) Applicability of subparts;
 - d) Permit number for specific source or sub-unit;
 - e) Dates of most recent NSPS compliance evaluations (inspections); and
 - f) Compliance status.
13. Your agency will require affected facilities to utilize the methods specified in 40 CFR Part 60 in performing source tests pursuant to the regulations. See 40 CFR 60.8.
 14. 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, and 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.
15. Your agency’s authority to implement and enforce NSPS 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 NSPS 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.
16. The EPA Administrator delegated to the EPA Region 10 the authority to delegate the NSPS to any state or local agency. A state or local agency that receives delegation from the EPA Region 10 does not have the federally recognized authority to further delegate the NSPS.
17. If the EPA determines that your agency’s procedures for implementing or enforcing the NSPS 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, please contact Davis Zhen of my staff at (206) 553-7660 or email at 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

NSPS Subparts Delegated to Oregon Department of Environmental Quality*

Part 60 – Subparts†		ODEQ
A	General Provisions	X
B	Adoption and Submittal of State Plans for Designated Facilities	
C	Emission Guidelines and Compliance Times	
Ca	RESERVED	
Cb	Large Municipal Waste Combustors that are Constructed on or before September 20, 1994 (<i>Emission Guidelines and Compliance Times</i>)	
Cc	Municipal Solid Waste Landfills (<i>Emission Guidelines and Compliance Times</i>)	
Cd	Sulfuric Acid Production Units (<i>Emission Guidelines and Compliance Times</i>)	
Ce	Hospital/Medical/Infectious Waste Incinerators (<i>Emission Guidelines and Compliance Times</i>)	
D	Fossil-Fuel-Fired Steam Generators for which Construction is Commenced after August 17, 1971	X
Da	Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978	X
Db	Industrial-Commercial- Institutional Steam Generating Units	X
Dc	Small Industrial-Commercial- Institutional Steam Generating Units	X
E	Incinerators	X
Ea	Municipal Waste Combustors for which Construction is Commenced after December 20, 1989 and on or before September 20, 1994	X
Eb	Large Municipal Waste Combustors for which Construction is Commenced after September 20, 1994 or for which Modification or Reconstruction is Commenced after June 19, 1996	X
Ec	Hospital/Medical/Infectious Waste Incinerators for which Construction is Commenced after June 20, 1996	X
F	Portland Cement Plants	X
G	Nitric Acid Plants	X
H	Sulfuric Acid Plants	X
I	Hot Mix Asphalt Facilities	X
J	Petroleum Refineries	X
Ja	Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007	
K	Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after June 11, 1973 and prior to May 19, 1978	X
Ka	Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after May 18, 1978 and prior to July 23, 1984	X
Kb	VOC Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984	X
L	Secondary Lead Smelters	X
M	Secondary Brass and Bronze Production Plants	X
N	Primary Emissions from Basic Oxygen Process Furnaces for which Construction is	X

* NSPS 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 60 that is not delegable is not delegated.

Part 60 – Subpart†		ODEQ
	Commenced after June 11, 1973	
Na	Secondary Emissions from Basic Oxygen Process Steel-making Facilities for which Construction is Commenced after January 20, 1983	X
O	Sewage Treatment Plants	X
P	Primary Copper Smelters	X
Q	Primary Zinc Smelters	X
R	Primary Lead Smelters	X
S	Primary Aluminum Reduction Plants	X
T	Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants	X
U	Phosphate Fertilizer Industry: Superphosphoric Acid Plants	X
V	Phosphate Fertilizer Industry: Diammonium Phosphate Plants	X
W	Phosphate Fertilizer Industry: Triple Superphosphate Plants	X
X	Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities	X
Y	Coal Preparation Plants	X
Z	Ferroalloy Production Facilities	X
AA	Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974 and on or before August 17, 1983	X
AAa	Steel Plants: Electric Arc Furnaces and Argon- Oxygen Decarburization Vessels Constructed after August 7, 1983	X
BB	Kraft Pulp Mills	X
CC	Glass Manufacturing Plants	X
DD	Grain Elevators	X
EE	Surface Coating of Metal Furniture	X
FF	RESERVED	
GG	Stationary Gas Turbines	X
HH	Lime Manufacturing Plants	X
KK	Lead-Acid Battery Manufacturing Plants	X
LL	Metallic Mineral Processing Plants	X
MM	Automobile and Light Duty Truck Surface Coating Operations	X
NN	Phosphate Rock Plants	X
PP	Ammonium Sulfate Manufacture	X
QQ	Graphic Arts Industry: Publication Rotogravure Printing	X
RR	Pressure Sensitive Tape and Label Surface Coating Standards	X
SS	Industrial Surface Coating: Large Appliances	X
TT	Metal Coil Surface Coating	X
UU	Asphalt Processing and Asphalt Roof Manufacture	X
VV	Equipment Leaks of VOC in Synthetic Organic Chemical Manufacturing Industry	X
VVa	Equipment Leaks of VOC in Synthetic Organic Chemical Manufacturing Industry for Which Construction, Reconstruction or Modification Commenced after November 7, 2006	X
WW	Beverage Can Surface Coating Industry	X
XX	Bulk Gasoline Terminals	X
AAA	New Residential Wood Heaters	
BBB	Rubber Tire Manufacturing Industry	X
CCC	RESERVED	
DDD	VOC Emissions from Polymer Manufacturing Industry	X
EEE	RESERVED	
FFF	Flexible Vinyl and Urethane Coating and Printing	X
GGG	Equipment Leaks of VOC in Petroleum Refineries	X

Part 60 – Subparts†		ODEQ
GGGa	Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction or Modification Commenced after November 7, 2006	X
HHH	Synthetic Fiber Production Facilities	X
III	VOC Emissions from Synthetic Organic Chemical Manufacturing Industry Air Oxidation Unit Processes	X
JJJ	Petroleum Dry Cleaners	X
KKK	Equipment Leaks of VOC from Onshore Natural Gas Processing Plants	X
LLL	Onshore Natural Gas Processing: SO ₂ Emissions	X
MMM	RESERVED	
NNN	VOC Emissions from Synthetic Organic Chemical Manufacturing Industry Distillation Operations	X
OOO	Nonmetallic Mineral Processing Plants	X
PPP	Wool Fiberglass Insulation Manufacturing Plants	X
QQQ	VOC Emissions from Petroleum Refinery Wastewater Systems	X
RRR	VOCs from Synthetic Organic Chemical Manufacturing Industry Reactor Processes	X
SSS	Magnetic Tape Coating Facilities	X
TTT	Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines	X
UUU	Calciners and Dryers in Mineral Industries	X
VVV	Polymeric Coating of Supporting Substrates Facilities	X
WWW	Municipal Solid Waste Landfills	X
AAAA	Small Municipal Waste Combustion Units for which Construction is Commenced after August 30, 1999 or for which Modification or Reconstruction is Commenced after June 6, 2001	X
BBBB	Small Municipal Waste Combustion Units Constructed on or before August 30, 1999 (<i>Emission Guidelines and Compliance Times</i>)	
CCCC	Commercial and Industrial Solid Waste Incineration Units for which Construction is Commenced after November, 30, 1999 or for which Modification or Reconstruction is Commenced on or after June 1, 2001	X
DDDD	Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or before November 30, 1999 (<i>Emission Guidelines and Compliance Times</i>)	
EEEE	Other solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which modification or Reconstruction is Commenced on or After June 16, 2006	X
FFFF	Other Solid Waste Incineration Units that Commenced Construction on or Before December 9, 2004 (<i>Emission Guidelines and Compliance Times</i>)	
GGGG	RESERVED	
HHH	Coal-Fired Electric Steam Generating Units (<i>vacated by court</i>)	
III	Stationary Compression Ignition Internal Combustion Engines	
JJJ	Stationary Spark Ignition Internal Combustion Engines	
KKKK	Stationary Combustion Engines	X
LLLL	New Sewage Sludge Incineration Units	
MMMM	Existing Sewage Sludge Incineration Units (<i>Emission Guidelines and Compliance Times</i>)	
OOOO	Crude Oil and Natural Gas Production, Transmission and Distribution	

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