



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Ms. Ursula Kramer Nelson, P.E.
Director
Pima County Department of Environmental Quality
33 N. Stone Avenue, Suite 700
Tucson, Arizona 85701

Re: Request for Delegation of Authority

Dear Ms. Nelson:

I am writing in response to the Pima County Department of Environmental Quality's (PDEQ) January 30, 2020 request for delegation of Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) pursuant to the Code of Federal Regulations, Title 40 (40 CFR), Parts 60, 61 and 63. In response to your request, the U.S. Environmental Protection Agency, Region IX, (EPA) hereby grants to the PDEQ formal delegation to implement and enforce the following NSPS and NESHAP, as they existed on July 1, 2019, promulgated in the Federal Register:

40 CFR Part 60:

- Subpart Ga -Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011
- Subpart RRR -Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes
- Subpart XXX-Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014
- Subpart OOOOa-Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015
- Subpart TTTT-Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units

40 CFR Part 63:

- Subpart Y -National Emission Standards for Marine Tank Vessel Loading Operations
- Subpart NN -National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources
- Subparts IIII -National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks Processes
- Subpart PPPP -National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products

- Subpart ZZZZ -National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines
- Subpart DDDDD -National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters

Regarding any other Part 60, 61 and 63 standards previously delegated to the PDEQ, this letter is also delegating any amendments made to those standards as of July 1, 2019.

As set forth in our action entitled “Delegation of New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants for Guam and the States of Arizona, California, Hawaii, and Nevada (67 FR 20652, April 26, 2002), the following provisions are not delegated under 40 CFR Parts 60 and 61 Subpart A.

- Provisions that address the EPA's authority to delegate to states are not being delegated because it is inappropriate to imply that states have authority to delegate to themselves. This includes 40 CFR 60.4(b), and 61.04(c); part 60, subpart B; and part 60 subpart C.
- Provisions that grant the EPA's discretion to approve modifications to test methods or protocols are not being delegated in order to ensure uniformity and technical quality in enforcement of national standards. This includes 40 CFR 60.8(b); 60.11(b); 60.13(a),(d)(2), and (g); and 60.13(i); (61. 13(h)(1)(ii); and 61.14(d) and (g)(1)(ii).
- Provisions that require rulemaking cannot be delegated because states cannot perform federal rulemaking. This includes 40 CFR 60.11(e) and 61.12(d).
- Provisions that address the EPA's obligation to make certain information available to the public do not apply to states under federal law and are not appropriate for delegation. This includes 40 CFR 60.9 and 61.16.

This delegation also does not include the following:

- 40 CFR 60, NSPS Subparts B, C, Cb, Cc, Cd, Ce, BBBB, DDDD, FFFF, which address Emission Guidelines and Compliance Times and thus are not delegated under Clean Air Act Section 111(c). To the extent that there are sources within Pima County that would be subject to these Subparts, the PDEQ should be developing regulations for submission to the EPA as a Plan under 40 CFR Part 60, Subpart B.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Parts 60, 61 and 63, including use of the EPA's test methods and procedures. As of the effective date of this delegation, the PDEQ will have primary authority to enforce the above cited standards. The EPA will retain independent enforcement authority, and will exercise such authority in a manner consistent with the EPA's "Timely and Appropriate Enforcement Response to Significant Air Pollution Violators Guidance," and any revisions thereto, and our enforcement agreement. All notifications and reports required of sources by the above standards should be sent to you. The EPA reserves the right to evaluate the appropriateness of sending the notice only to your agency based on experience or in the event of programmatic changes or on a source category basis. This delegation is effective upon the date of this letter unless the EPA receives written notice from you of any objections within 10 days of receipt of this letter. The EPA will publish a future Federal Register notice to codify this delegation into the Code of

Federal Regulations. This delegation is in accordance with the November 1, 1999 Memorandum of Agreement (MOA) between the PDEQ and the EPA regarding the delegation of NESHAP.

We appreciate the PDEQ's efforts to implement the federal NSPS and NESHAP programs and hope to continue working with you to reduce emissions in Pima County. If you have any questions about this delegation, please call me at (415) 947-8715 or have your staff contact Jeffrey Buss at (415) 947-4152.

Sincerely,

ELIZABETH ADAMS  Digitally signed by
ELIZABETH ADAMS
Date: 2020.04.21
17:03:30 -07'00'

Elizabeth J. Adams
Director, Air and Radiation Division

cc: Richard Grimaldi, PCDEQ