



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VI
1201 ELM STREET
DALLAS, TEXAS 75270



January 25, 1982

CERTIFIED MAIL - RETURN RECEIPT REQUESTED P21 7842463

Mr. Frank A. Ashby, Jr.
Secretary
Louisiana Department of Natural Resources
P. O. Box 44066
Baton Rouge, Louisiana 70804

Dear Mr. Ashby:

This is in response to Mr. Gus Von Bodungen's letter of December 17, 1981, requesting delegation of authority for implementation and enforcement of New Source Performance Standards (NSPS) to the Louisiana Department of Natural Resources (LDNR). We have determined that the proposed procedures are adequate and effective for the implementation and enforcement of the NSPS by the LDNR in the State of Louisiana. The terms and conditions of the delegation of authority for transferring the NSPS responsibility to the State of Louisiana are stated in the enclosed delegation provisions.

Since this delegation becomes effective on the date of this letter, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State of Louisiana written notice of objection within ten (10) days of the date of receipt of this letter, we will assume that the State of Louisiana has accepted all of the terms of the delegation.

If you have any questions concerning the provisions of the NSPS delegation of authority, please feel free to contact me.

Sincerely yours,

Dick Whittington
Dick Whittington, P.E.
Regional Administrator

Enclosure

cc: Honorable David C. Treen
Governor of Louisiana
State Capitol
Baton Rouge, Louisiana 70804

Mr. B. Jim Porter, Assistant Secretary
Louisiana Department of Natural Resources
P. O. Box 44066
Baton Rouge, Louisiana 70804

Mr. Gus Von Bodungen, Program Administrator
Louisiana Department of Natural Resources
P. O. Box 44066
Baton Rouge, Louisiana 70804

PROVISIONS
for
IMPLEMENTATION AND ENFORCEMENT
of
NEW SOURCE PERFORMANCE STANDARDS (NSPS)
in the
STATE OF LOUISIANA
(40 CFR PART 60)
EFFECTIVE DATE: January 25, 1982

Introduction

On December 17, 1981, the Louisiana Department of Natural Resources (LDNR) requested the Environmental Protection Agency (EPA) to delegate the authority for implementation and enforcement of the NSPS, 40 CFR Part 60, in the State of Louisiana. Subsequently, the pertinent laws of the State of Louisiana and the rules and regulations of the LDNR were reviewed by EPA and have been found to provide an adequate and effective procedure for implementation and enforcement of the NSPS by the LDNR and the State of Louisiana. The resources and capabilities of the LDNR have been found to be adequate to implement and enforce the program.

Therefore, by virtue of authority granted by the Administrator, I hereby delegate authority to the LDNR to implement and enforce the NSPS pursuant to Section 111(c) of the Clean Air Act and subject to the conditions and limitations stated in the provisions. Except as specifically limited and stated in the provisions, all of the authority and responsibilities of the Administrator or the Regional Administrator which are found in 40 CFR Part 60 as of the date of this agreement and subsequent future standards and requirements are delegated to the LDNR. Any of such authority and responsibilities may be redelegated by the Department to its Director or staff.

Specific Provisions

The delegation of authority for implementation and enforcement of the NSPS is based on the following provisions.

1. Acceptance of this NSPS delegation shall include and allow the State of Louisiana and the LDNR to receive complete NSPS delegation authority and assume NSPS responsibility for the subparts listed under 40 CFR Part 60, 1981, and subsequent future standards and requirements without making a written request to EPA, subject to the delegation conditions and terms as set forth in this agreement.

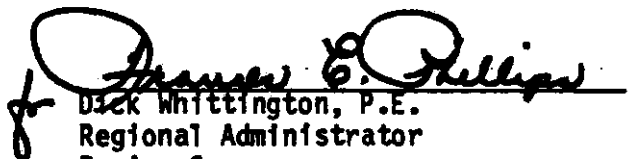
2. Acceptance of this delegation constitutes agreement by the LDNR to follow all interpretations, past and future, made by EPA of 40 CFR Part 60 including determinations of applicability.

3. Authority is delegated to approve minor modifications to the reference test methods, specified by 40 CFR Part 60, during either a pre-test meeting or the actual sampling period. These minor modifications would have to produce results essentially identical to the reference method results. Approval of these minor modifications should be based on sound engineering judgement. Under no circumstances are modifications to be used which might result in the non-uniform application of the standards.

4. If a claim of confidentiality or any other reason should ever legally prevent the State of Louisiana and the LDNR from providing to EPA any and all information required by or pertaining to the implementation or enforcement of NSPS, the LDNR shall, upon request, assist EPA, Region 6, in obtaining that information directly from the source. As a minimum, such assistance shall consist of providing to EPA an identification of the nature of the information withheld, adequate to allow EPA to identify to the source the information which is to be sent directly to EPA, Region 6.

5. All matters in process at the time of delegation of authority may be processed through to completion by EPA, Region 6, or may, at the request of the LDNR and at the discretion of EPA, Region 6, be transferred to the LDNR for completion. Appropriate reproduction of pertinent file material in the EPA, Region 6, files in relation to source regulation under NSPS shall be provided through mutual cooperation of the staffs of the respective offices.

A notice of this delegation will be published in the Federal Register in the near future. The notice will state, among other things, that effective immediately all reports required pursuant to the Federal NSPS by sources located in the State of Louisiana should be submitted to the Louisiana Department of Natural Resources, Air Quality Division, P. O. Box 44066, Baton Rouge, Louisiana 70804. Any such reports which may be received by EPA, Region 6, after effective date of this delegation, will be promptly transmitted to the LDNR.


Dick Whittington, P.E.
Regional Administrator
Region 6
U.S. Environmental Protection Agency
Dallas, Texas


Date