

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III

841 Chestnut Building

Philadelphia, Pennsylvania 19107

FEB - 1 1991

Mr. Albert H. Brunwasser, Director
Allegheny County Health Department
119 Courthouse
Pittsburgh, PA 15219

Dear Mr. Brunwasser:

In your letter of July 30, 1990, you requested the authority for implementation and enforcement of the following National Emission Standards for Hazardous Air Pollutants (NESHAPS) promulgated by EPA:

- 40 CFR 61 Subpart J - National Emission Standard for Equipment Leaks (Fugitive Emission Source) of Benzene [49 FR 23513]
- 40 CFR 61 Subpart V - National Emission Standard for Equipment Leaks (Fugitive Emission Source) [49 FR 23513]
- 40 CFR 61 Subpart L - National Emission Standard for Benzene Emissions from Coke-By-Product Recovery Plants [54 FR 38073]
- 40 CFR 61 Subpart Y - National Emission Standard for Benzene Emissions from Benzene Storage Vessels [54 FR 38077]
- 40 CFR 61 Subpart BB - National Emission Standard for Benzene Emissions from Benzene Transfer Operations [55 FR 8341]
- 40 CFR 61 Subpart FF - National Emission Standard for Benzene Emissions from Benzene Waste Operations [55 FR 8346]

EPA has reviewed the pertinent laws of Allegheny County, specifically the Allegheny County Health Department Rules and Regulations - Article XX. EPA has determined that the regulations provide an adequate and effective procedure for implementing and enforcing the requested NESHAPS in Allegheny County. Therefore, we hereby delegate our primary authority for the implementation and enforcement of the above-mentioned NESHAPS to Allegheny County. This authority applies to all sources located or to be located in Allegheny County subject to the above, delegated National Emission Standards for Hazardous Air Pollutants.

EPA3GEN063453

This delegation is based on the following conditions:

1. Existing monthly "CDS" reports normally submitted to EPA through program plan reporting will be expanded to contain pertinent information relating to the status of sources subject to 40 CFR Part 61 Subparts J, V, L, Y, BB, and FF. As a minimum, the following information should be provided to EPA: the name; address; type and size of each facility; date of commencement of operation at the facility; and dates of most recent stack tests; the compliance status of each facility with accompanying explanations of noncompliance where applicable; notice of enforcement actions brought against facilities subject to the above-mentioned Subparts; surveillance actions undertaken for each facility; and the results of all reports relating to emissions data.
2. Enforcement of NESHAPS in Allegheny County will be the primary responsibility of the Allegheny County Health Department Bureau of Air Pollution Control. If the County determines that such enforcement is not feasible and so notifies EPA, or where the County acts in a manner inconsistent with the terms of this granted authority, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within Allegheny County subject to the delegated NESHAPS.
3. Acceptance of this delegation of presently promulgated NESHAPS does not commit the County to request or accept enforcement responsibility of future standards and requirements. A new request for enforcement responsibility will be required for any standards not included in this delegation letter.
4. If at any time there is a conflict between a County regulation and a Federal regulation, (40 CFR Part 61), the Federal regulation must be applied if it is more stringent than that of the County. If the County does not have the authority to enforce a Federal regulation, the pertinent portion of the delegation may be revoked.
5. Performance tests shall be scheduled and conducted in accordance with the procedures set forth in 40 CFR Part 61 unless alternate methods or procedures are approved by the EPA Administrator. Although the Administrator retains the exclusive right to approve equivalent and alternative test methods as specified in 40 CFR 60.8(b) (2) and (3), and 64.14, the County may approve minor changes in methodology provided these changes are reported to EPA Region III.

6. If the Administrator determines that the County procedure for enforcing or implementing the NESHAPS is inadequate, or is not being effectively carried out, his or her delegation may be revoked in whole or part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Allegheny County Health Department Bureau of Air Pollution Control.
7. Information shall be made available to the public in accordance with 40 CFR 61.15(b). Any records, reports, or information provided to, or otherwise obtained by, the County in accordance with provisions of these regulations shall be made available to the designated representatives of EPA upon request.

The County and EPA will develop a system of communication sufficient to guarantee a program that includes the items described below:

- a. Each agency is informed of the current compliance status of subject source in Allegheny County;
- b. Prior EPA concurrence is obtained on any matter involving interpretation of 40 CFR Part 61 (including unique questions of applicability of the standards); and
- c. Enforcement action (including requests for information and enforcement actions based therein) already initiated by EPA prior to this delegation, shall be completed by EPA.

A notice announcing these actions 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 NESHAPS, by sources located in Allegheny County should be submitted to the Allegheny County Health Department Bureau of Air Pollution Control. Any such reports which have been or may be received by EPA, Region III, will be promptly transmitted to this County agency.

Since this action is effective immediately, there is no requirement that Allegheny County notify EPA of its acceptance. Unless EPA receives from Allegheny County written notice of objections within ten (10) business days of the receipt of this letter, the County will be deemed to have accepted all of the terms as stated herein.

Sincerely,



Edwin B. Erickson
Regional Administrator

cc: Mr. Ronald J. Chleboski, Director
Bureau of Air Pollution Control (BAPC)

Mr. Gary Colyak, BAPC

Mr. James Hambright, Director
PA Department of Environmental Resources
Bureau of Air Quality Control