

US EPA ARCHIVE DOCUMENT



ATTACHMENT 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

6TH AND WALNUT STREETS
PHILADELPHIA, PENNSYLVANIA 19106

SEP 27 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

HAND-DELIVERED

Mr. N. Mark Richards, M.D.
Director
Allegheny County Health Department
Bureau of Air Pollution Control
3333 Forbes Avenue
Pittsburgh, PA 15213

Re: Delegation of authority for National Emission Standards for
Hazardous Air Pollutants pursuant to Section 112(d) of the
Clean Air Act, as amended

Dear Dr. Richards:

This is in response to a letter of September 24, 1982, to Peter N. Bibko, Regional Administrator, requesting delegation of authority for implementation and enforcement of the National Emission Standards for Hazardous Air Pollutants (NESEAP) for asbestos and mercury in Allegheny County.

We have reviewed the pertinent laws and regulations governing the control of air pollution in Allegheny County, Pennsylvania and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NESEAP regulations by the Bureau of Air Pollution Control (the Bureau).

Therefore, we hereby delegate authority to the Bureau, as follows:

The Bureau is delegated and shall have authority for all sources located in Allegheny County, Pennsylvania subject to the National Emission Standards for Hazardous Air Pollutants for asbestos and mercury in 40 CFR Part 61.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by the Bureau and should include the following:

EPA3GEN063440

- 1) NESHAP sources granted a permit to construct;
 - ii) NESHAP sources inspected during that quarter and their compliance status (except under s 61.22(d) and (e)); and
 - iii) the number of inspections under s 61.22(d) and (e).

2. Enforcement of NESHAP regulations in Allegheny County shall be the primary responsibility of the Bureau. Where the Bureau determines that such enforcement is not feasible and so notifies EPA, or where the Bureau acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the County subject to NESHAP regulations.

3. The Bureau will not grant a variance from compliance with the applicable NESHAP regulations if such variance delays compliance with the Federal Standards (Part 61). Should the Bureau grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulations and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the Bureau shall also constitute grounds for revocation of delegation by EPA.

5. If at any time there is a conflict between a Bureau regulation and Federal regulation, 40 CFR Part 61, the Federal regulation must be applied if it is more stringent than that of the Bureau. If the Bureau does not have the authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

6. The Bureau will utilize the methods specified in 40 C.F.R. Part 61 in performing source tests pursuant to these regulations.

7. If the Director of the Air and Waste Management Division determines that a Bureau program for enforcing or implementing the NESHAP regulations is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Bureau.

A notice announcing 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 above-referenced NESHAP regulations by sources located in Allegheny County should be submitted to the Bureau in addition to EPA Region III. Any original reports which have been or may be received by EPA Region III will be promptly transmitted to the Bureau.

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Since this delegation is effective immediately, there is no requirement that the Bureau notify EPA of its acceptance. Unless EPA receives from the Bureau written notice of objections within ten (10) days of receipt of this letter, the Allegheny County Health Department, Bureau of Air Pollution Control will be deemed to have accepted all of the terms of the delegation.

Sincerely,



Stephen R. Wassersug, Director
Air & Waste Management Division

cc: Mr. James K. Hambright, Director
Bureau of Air Quality Control
Pennsylvania Department of Environmental Resources