

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103

Mr. James M. Seif, Secretary
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, Pennsylvania 17105

NOV 09 1998

Dear Mr. Seif:

By letter of January 5, 1998, the Environmental Protection Agency (EPA) delegated the primary authority for implementation and enforcement of the 40 CFR Part 63 standards to the Commonwealth of Pennsylvania. This letter listed certain authorities which could be exercised by Pennsylvania on a case-by-case basis, with notification to EPA. Included in these authorities was the waiver of record keeping requirements and applicable sections of relevant standards.

Subsequent to our delegation, the EPA regional offices were informed of a national change to the authorities which may be delegated to states. We have been informed that EPA must retain authorities where decisions could result in a change to the stringency of the underlying standard, such that the changes would be nationally significant or require a rulemaking. As such, 40 CFR 63.10(f) "Waiver of Recordkeeping or Reporting Requirements" can no longer be delegated to states. EPA is hereby revoking the delegation of this authority to Pennsylvania. This action will be announced in a future Federal Register notice.

This change to the delegation of authority does not affect any final actions Pennsylvania has taken to date regarding requests for waiver of recordkeeping requirements. However, any requests for such waivers which are currently pending must now be forwarded to EPA for approval.

If you would like to discuss this matter further, please do not hesitate to contact me or have your staff contact Marilyn Powers at (215) 814-2308.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Michael McCabe".

W. Michael McCabe
Regional Administrator

cc: Mr. James Schwegler, PADEP
Mr. John White, PADEP
Mr. James Ryan, PADEP