

US EPA ARCHIVE DOCUMENT



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

Mr. Dennis H. Treacy, Director  
Virginia Department of Environmental Quality  
P.O. Box 10009  
Richmond, Virginia 23240

NOV 19 1998

Dear Mr. Treacy:

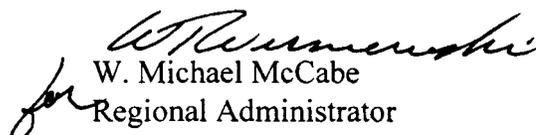
By letter of April 20, 1998 the Environmental Protection Agency (EPA) delegated the primary authority for implementation and enforcement of the 40 CFR Part 63 standards to the Commonwealth of Virginia. This letter listed certain authorities which could be exercised by Virginia on a case-by-case basis, 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 Virginia. This action will be announced in a future federal register notice.

This change to the delegation of authority does not affect any final actions Virginia 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,

  
W. Michael McCabe  
Regional Administrator

cc: Mr. John M. Daniel Jr., VADEQ  
Mr. Robert Mann, VADEQ

*Customer Service Hotline: 1-800-438-2474*