



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

RECEIVED

OCT 26 2009

Dept. of Environmental Quality
Director's Office

OFFICE OF
AIR, WASTE AND TOXICS

OCT 19 2009

Ms. Toni Hardesty
Director
Idaho Department of Environmental Quality
1410 North Hilton
Boise, Idaho 83706

RE: Delegation of National Emission Standards for Hazardous Air Pollutants (NESHAPs) to the Idaho Department of Environmental Quality (IDEQ) as in effect on July 1, 2008

Dear Ms. Hardesty:

This letter is in response to your letter requesting to update the delegation, and implement and enforce new and revised NESHAPs. Consistent with the approved mechanism for streamlined delegation as described in 67 FR 3106 (January 23, 2002), the U.S. Environmental Protection Agency (EPA) hereby grants this updated delegation request, as described below, to IDEQ for standards in effect on July 1, 2008.

Delegation Request

On May 15, 2009, you requested to update and continue the delegation of the 40 CFR 61 and 63 standards that have previously been delegated to IDEQ:

- 40 CFR 61 Subparts: A, C, D, E, F, J, L, M, N, O, P, V, Y, BB, FF
- 40 CFR 63 Subparts: A, D, F, G, H, I, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH (*except provisions pertaining to area sources*), II, JJ, KK, LL, MM, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBB, CCCCC, EEEEE, FFFFF, GGGGG, HHHHH, IIII, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT

In addition, you requested to adopt standards that were promulgated since your last update, except for new area source specific rules. There were no new point source standards that have been promulgated since your last delegation request.

IDEQ demonstrated that the above-mentioned new and updated standards have been adopted unchanged into IDEQ's regulations at IDAPA 58.01.01 (May 8, 2009).

Delegation Authority

EPA has determined that IDEQ's regulations continue to provide adequate and effective procedures for implementing and enforcing the NESHAPs. Accordingly, EPA hereby approves your request for an updated delegation of authority to implement and enforce the NESHAP standards identified in Enclosure A, subject to the following terms and conditions:

1. As requested in your May 15, 2009, letter, this delegation is limited to implementation and enforcement of the NESHAP for Title V sources. Implementation and enforcement of the NESHAP for Non-Title V sources remain the responsibility of EPA.
2. EPA is delegating the identified federal standards as in effect on July 1, 2008. New NESHAP or NESHAP that are revised substantively after that date are not delegated to your agency; these remain the responsibility of EPA.
3. This delegation is subject to the terms and conditions of the EPA's previous NESHAP delegations to IDEQ as provided in 67 FR 3106 (January 23, 2002), letters dated January 18, 2005, June 14, 2007, and June 30, 2008.
4. This delegation does not include IDEQ's request for delegation of 40 CFR Part 63, Subpart J (Polyvinyl Chloride and Copolymers Production), Subpart DDDDD (Industrial, Commercial, and Industrial Boilers and Process Heaters), Subpart JJJJJ (Brick and Structural Clay Products) and Subpart KKKKK (Clay Ceramics) because these standards have been vacated by the court and are no longer in effect as a matter of federal law.
5. EPA is not delegating authorities under 40 CFR Parts 61 and 63 that specifically indicate they cannot be delegated, that require rulemaking to implement, that affect the stringency of the standard, or where national oversight is the only way to ensure national consistency. Note that on June 23, 2003, EPA published a rulemaking clarifying the authorities in each existing 40 CFR Part 63 NESHAP standard that can and cannot be delegated to state and local agencies. See 68 FR 37334 (June 23, 2003). Provisions of 40 CFR Part 63 that are specifically identified in 68 FR 37334 as provisions that cannot be delegated to state and local agencies are not delegated to IDEQ. Enclosures B and C also identify authorities that are excluded from this delegation.

6. Your agency's delegation to implement and enforce NESHAP under this delegation does not extend to sources or activities located in Indian Country, as defined in 18 U.S.C. 1151. Consistent with previous Federal program approvals or delegations, EPA will continue to implement the NESHAP in Indian Country in Idaho because your agency did not adequately demonstrate authority over sources and activities located within the exterior boundaries of Indian reservations and in other areas of Indian Country.

Unless we receive negative comments from you within ten (10) days, this delegation is final and will be effective ten (10) days from the date of this letter. Otherwise, no further correspondence to EPA is needed from IDEQ regarding this delegation. We will publish in the Federal Register periodically, informing the public of IDEQ's updated delegation.

If you have any questions regarding this approval, please contact Davis Zhen of my staff at (206) 553-7660 or email at zhen.davis@epa.gov.

Sincerely,



Richard Albright, Director
Office of Air, Waste and Toxics

Enclosures

- A. NESHAP Subparts Delegated to Idaho Department of Environmental Quality
- B. Part 61 (NESHAP) – Authorities Excluded from Delegation
- C. Part 63 (NESHAP) – Authorities Excluded from Delegation

Enclosure A

NESHAP Subparts Delegated to Idaho Department of Environmental Quality¹ (Please refer to Enclosures B and C for a list of specific subsections within the identified subparts that are excluded from this delegation)²

| Part 61 - Subparts | | Delegated |
|--------------------|---|-----------|
| A | General Provisions | X |
| B | Radon Emissions from Underground Uranium Mines | |
| C | Beryllium | X |
| D | Beryllium Rocket Motor Firing | X |
| E | Mercury | X |
| F | Vinyl Chloride | X |
| H | Emissions of Radionuclides other than Radon from Department of Energy Facilities | |
| I | Radionuclides from Federal Facilities other than Nuclear Regulatory Commission Licensees and not covered by Subpart H | |
| J | Equipment Leaks (Fugitive Emission Sources) of Benzene | X |
| K | Radionuclides Emissions from Elemental Phosphorus Plants | |
| L | Benzene Emissions from Coke By-Product Recovery Plants | X |
| M | Asbestos | X |
| N | Arsenic Emissions from Glass Manufacturing Plants | X |
| O | Arsenic Emissions from Primary Copper Smelters | X |
| P | Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities | X |
| Q | Radon Emissions from Department of Energy Facilities | |
| R | Radon Emissions from Phosphogypsum Stacks | |
| T | Radon Emissions from Disposal of Uranium Mill Tailings | |
| V | Equipment Leaks (Fugitive Emission Sources) | X |
| W | Radon Emissions from Operating Mill Tailings | |
| Y | Benzene Emissions from Benzene Storage Vessels | X |
| BB | Benzene Emissions from Benzene Transfer Operations | X |
| FF | Benzene Waste Operations | X |

| Part 63 - Subparts | | Delegated |
|--------------------|--|-----------|
| VOLUME 1 | | |
| A | General Provisions | X |
| B | Control Technology Determinations for Major Sources in Accordance with CAA Sections 112(g) and 112(j) | |
| C | List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List | |
| D | Regulations Concerning Compliance Extensions for Early Reductions of Hazardous Air Pollutants | X |
| E | Approval of State Programs and Delegation of Federal Authorities | |
| F | HON - Synthetic Organic Chemical Manufacturing Industry | X |
| G | HON - Process Vents, Storage Vessels, Transfer Operations and Wastewater | X |
| H | HON - Equipment Leaks | X |
| I | HON - Certain Processes Subject to the Negotiated Regulation for Equipment Leaks | X |
| J | Polyvinyl Chloride and Copolymers Production (<i>vacated by court</i>) | |
| K | RESERVED | |
| L | Coke Oven Batteries | X |
| M | Perchloroethylene Air Emission Standards for Dry Cleaning Facilities | X |
| N | Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks | X |
| O | Ethylene Oxide Emissions Standards for Sterilization Facilities | X |
| P | RESERVED | |
| Q | Industrial Process Cooling Towers | X |
| R | Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) | X |
| S | Pulp and Paper Industry (<i>except provisions pertaining to kraft and sulfite pulp mills</i>) | X |
| T | Halogenated Solvent Cleaning | X |
| U | Group I Polymers and Resins | X |
| V | RESERVED | |
| W | Epoxy Resins Production and Non-Nylon Polyamides Production | X |
| X | Secondary Lead Smelting | X |
| Y | Marine Tank Vessel Loading Operations | X |
| Z | RESERVED | |
| VOLUME 2 | | |
| AA | Phosphoric Acid Manufacturing Plants | X |
| BB | Phosphate Fertilizers Production Plants | X |
| CC | Petroleum Refineries | X |
| DD | Off-Site Waste and Recovery Operations | X |
| EE | Magnetic Tape Manufacturing Operations | X |
| FF | RESERVED | |
| GG | Aerospace Manufacturing and Rework Facilities | X |
| HH | Oil and Natural Gas Production Facilities (<i>except provisions pertaining to area sources</i>) | X |
| II | Shipbuilding and Ship Repair (Surface Coating) | X |
| JJ | Wood Furniture Manufacturing Operations | X |
| KK | Printing and Publishing Industry | X |
| LL | Primary Aluminum Reduction Plants | X |

| Part 63 - Subparts | | Delegated |
|--------------------|---|-----------|
| MM | Chemical Recovery Combustion Sources At Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills | X |
| OO | Tanks - Level 1 | X |
| PP | Containers | X |
| QQ | Surface Impoundments | X |
| RR | Individual Drain Systems | X |
| SS | Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or Process | X |
| TT | Equipment Leaks - Control Level 1 | X |
| UU | Equipment Leaks - Control Level 2 | X |
| VV | Oil-Water Separators and Organic-Water Separators | X |
| WW | Storage Vessels (Tanks) - Control Level 2 | X |
| XX | Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations | X |
| YY | Source Categories: Generic Maximum Achievable Control Technology Standards | X |
| ZZ | RESERVED | |
| AAA | RESERVED | |
| BBB | RESERVED | |
| CCC | Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants | X |
| DDD | Mineral Wool Production | X |
| VOLUME 3 | | |
| EEE | Hazardous Waste Combustors | X |
| FFF | RESERVED | |
| GGG | Pharmaceuticals Production | X |
| HHH | Natural Gas Transmission and Storage Facilities | X |
| III | Flexible Polyurethane Foam Production | X |
| JJJ | Group IV Polymers and Resins | X |
| KKK | RESERVED | |
| LLL | Portland Cement Manufacturing Industry | X |
| MMM | Pesticide Active Ingredient Production | X |
| NNN | Wool Fiberglass Manufacturing | X |
| OOO | Manufacture of Amino/Phenolic Resins | X |
| PPP | Polyether Polyols Production | X |
| VOLUME 4 | | |
| QQQ | Primary Copper Smelting | X |
| RRR | Secondary Aluminum Production | X |
| SSS | RESERVED | |
| TTT | Primary Lead Smelting | X |
| UUU | Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units | X |
| VVV | Publicly Own Treatment Works | X |
| WWW | RESERVED | |
| XXX | Ferroalloys Production: Ferromanganese and Silicomanganese | X |
| AAAA | Municipal Solid Waste Landfills | X |
| CCCC | Manufacturing of Nutritional Yeast | X |
| DDDD | Plywood and Composite Wood Products | X |
| EEEE | Organic Liquids Distribution (Non-Gasoline) | X |
| FFFF | Miscellaneous Organic Chemical Manufacturing | X |

| Part 63 - Subparts | | Delegated |
|--------------------|--|-----------|
| GGGG | Solvent Extraction for Vegetable Oil Production | X |
| HHHH | Wet-Formed Fiberglass Mat Production | X |
| IIII | Surface Coating of Automobiles and Light-Duty Trucks | X |
| JJJJ | Paper and Other Web Coating | X |
| KKKK | Surface Coating of Metal Cans | X |
| MMMM | Surface Coating for Miscellaneous Metal Parts and Products | X |
| NNNN | Surface Coating of Large Appliances | X |
| OOOO | Printing, Coating, and Dyeing of Fabrics and Other Textiles | X |
| PPPP | Surface Coating of Plastic Parts and Products | X |
| QQQQ | Surface Coating of Wood Building Products | X |
| RRRR | Surface Coating of Metal Furniture | X |
| SSSS | Surface Coating of Metal Coil | X |
| TTTT | Leather Finishing Operations | X |
| UUUU | Cellulose Products Manufacturing | X |
| VVVV | Boat Manufacturing | X |
| WWWW | Reinforced Plastic Composites Production | X |
| XXXX | Rubber tire Manufacturing | X |
| YYYY | Stationary Combustion Turbines | X |
| VOLUME 5 | | |
| ZZZZ | Stationary Reciprocating Internal Combustion Engines | X |
| AAAAA | Lime Manufacturing Plants | X |
| BBBBB | Semiconductor Manufacturing | X |
| CCCCC | Coke Ovens: Pushing, Quenching, and Battery Stacks | X |
| DDDDD | Industrial, Commercial and Institutional Boilers and Process Heaters (<i>vacated by court</i>) | |
| EEEEE | Iron and Steel Foundries | X |
| FFFFF | Integrated Iron and Steel Manufacturing Facilities | X |
| GGGGG | Site Remediation | X |
| HHHHH | Miscellaneous Coating Manufacturing | X |
| IIIII | Mercury Emissions From Mercury Cell Chlor-Alkali Plants | X |
| JJJJJ | Brick and Structural Clay Products Manufacturing (<i>vacated by court</i>) | |
| KKKKK | Clay Ceramics Manufacturing (<i>vacated by court</i>) | |
| LLLLL | Asphalt Processing and Asphalt Roofing Manufacturing | X |
| MMMMM | Flexible Polyurethane Foam Fabrication Operations | X |
| VOLUME 6 | | |
| NNNNN | Hydrochloric Acid Production | X |
| OOOOO | RESERVED | |
| PPPPP | Engine Test Cells/Standards | X |
| QQQQQ | Friction Materials Manufacturing Facilities | X |
| RRRRR | Taconite Iron Ore Processing | X |
| SSSSS | Refractory Products Manufacturing | X |
| TTTTT | Primary Magnesium Refining | X |
| UUUUU | RESERVED | |
| VVVVV | RESERVED | |
| WWWWW | Area Sources: Hospital Ethylene Oxide Sterilizers | |
| XXXXX | RESERVED | |
| YYYYY | Area Sources: Electric Arc Furnace Steelmaking facilities | |

| Part 63 - Subparts | | Delegated |
|--------------------|--|-----------|
| ZZZZZ | Iron and Steel Foundries Area Sources | |
| AAAAAA | RESERVED | |
| BBBBBB | Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline facilities | |
| CCCCCC | Gasoline Dispensing Facilities | |
| DDDDDD | Polyvinyl Chloride and Copolymers Production Area Sources | |
| EEEEEE | Primary Copper Smelting Area Sources | |
| FFFFFF | Secondary Copper Smelting Area Sources | |
| GGGGGG | Primary Nonferrous Metal Area Sources: Zinc, Cadmium, and Beryllium | |
| HHHHHH | Paint Stripping and Misc. Surface Coating Operation at Area Sources | |
| IIIII | RESERVED | |
| JJJJJJ | RESERVED | |
| KKKKKK | RESERVED | |
| LLLLLL | Acrylic and Modacrylic Fibers Production Area Sources | |
| MMMMMM | Carbon Black Production Area Sources | |
| NNNNNN | Chemical Manufacturing Area Sources: Chromium Compounds | |
| OOOOOO | Flexible Polyurethane Foam Production and Fabrication Area Sources | |
| PPPPPP | Lead Acid Battery Manufacturing Area Sources | |
| QQQQQQ | Wood Preserving Area Sources | |
| RRRRRR | Clay Ceramics Manufacturing Area Sources | |
| SSSSSS | Glass Manufacturing Area Sources | |
| TTTTTT | Secondary Nonferrous Metal Process Area Sources | |
| UUUUUU | RESERVED | |
| VVVVVV | RESERVED | |
| WWWWWW | Area Sources: Plating and Polishing Operations | |
| XXXXXX | Area Sources: Nine Metal Fabrication and Finishing Source Categories | |
| YYYYYY | Area Sources: Ferroalloys Production Facilities | |
| ZZZZZZ | Area Sources: Aluminum, Copper, and Other Nonferrous Foundries | |

¹ Idaho Department of Environmental Quality (IDEQ) delegation of authority covers National Emission Standards for Hazardous Air Pollutants (NESHAP) promulgated and revised as of July 1, 2008. New NESHAP or NESHAP that are revised substantively after that date are not delegated to IDEQ; these remain the responsibility of EPA.

² Provisions specifically identified in 40 CFR Part 61 and Parts 63 as provisions that cannot be delegated to state or local agencies are not delegated. Note that on June 23, 2003, EPA published a rulemaking clarifying the authorities in each existing 40 CFR Part 63 NESHAP standard that can and cannot be delegated to state and local agencies. See 68 FR 37334 (June 23, 2003). Provisions of 40 CFR Part 63 that are specifically identified in 68 FR 37334 as provisions that cannot be delegated to state and local agencies are not delegated to IDEQ.

Enclosure B

Part 61 (NESHAPs) - Authorities Excluded from Delegation

EPA guidance permits delegation to a State or local agency of all the EPA Administrator's authorities under 40 CFR Part 61 except those that require rulemaking to implement, that affect the stringency of the standard, or where national oversight is the only way to ensure national consistency. In addition, some sections of 40 CFR Part 61 specifically indicate that the authority may not be delegated. Listed below are authorities that are excluded from this delegation based on the legal and policy criteria discussed above.

1. Provisions Identified in 40 CFR Part 61 as Not Delegatable

EPA is not delegating authorities under 40 CFR Part 61 that specifically indicate they cannot be delegated.

2. General Provision Authorities (40 CFR Part 61, Subpart A) That Are Not Delegated

In addition to those identified in 67 Fed. Reg. 39622, 39624, Table 2:

General Provision Authorities:

| Section | Authorities |
|----------|--|
| 61.14(d) | Approval of installation of fewer monitoring systems when one affected facility/source vents through more than one point (This is a major change to monitoring). |

3. Specific Subpart Authorities That Are Not Delegated

| Section | Authorities |
|---------------------|---|
| 61.53(c)(4) | Subpart E - Mercury List of Approved Design, Maintenance, and Housekeeping Practices for Mercury Chlor-alkali Plants |
| 61.66 | Subpart F - Vinyl Chloride Approval of Equivalent Equipment and Procedures |
| 61.112(c) | Subpart J - Benzene Equipment Leaks Approval of Alternative Means of Emission Limitation |
| 61.136(d) | Subpart L - Benzene Emissions from Coke By-Product Recovery Plants Approval of Alternative Means of Emission Limitations |
| 61.164(a)(2) | Subpart N - Arsenic, Glass Manufacturing Approval of Equivalent Test Methods |
| 61.172(b)(2)(ii)(B) | Subpart O - Arsenic, Low Arsenic Feedstock Copper Smelters List of Operating Conditions of Secondary Hood System to |

| | |
|---------------------|--|
| 61.172(b)(2)(ii)(C) | Administrator Waiver for Operating Secondary Hood System According to (b)(2)(ii)(B) |
| 61.174(a)(2) | Approval of Equivalent Test Methods |
| 61.242-1(c)(2) | Subpart V - Equipment Leaks Approval of Alternative Means of Emission Limitation |
| 61.244 | Approval of Alternative Means of Emission Limitation |
| 61.273 | Subpart Y - Benzene Emissions From Benzene Storage Vessels Approval of Alternative Means of Emission Limitation |
| 61.342(h) | Subpart FF - Benzene Waste Operations Refers to 61.353 |
| 61.353 | Approval of Alternative Means of Emission Limitations |

Enclosure C

Part 63 (NESHAP) - Authorities Excluded from Delegation

EPA guidance permits delegation to a State or local agency of all the EPA Administrator's authorities under 40 CFR Part 63 except those that require rulemaking to implement, that affect the stringency of the standard, or where national oversight is the only way to ensure national consistency. In addition, some sections of 40 CFR Part 63 specifically indicate that the authority may not be delegated. Listed below are authorities that are excluded from this delegation based on the legal and policy criteria discussed above.

1. Provisions Identified in 40 CFR Part 63 as Not Delegable

EPA is not delegating authorities under 40 CFR Part 63 that specifically indicate they can not be delegated. Note that on June 23, 2003, EPA published a rulemaking clarifying the authorities in each existing 40 CFR Part 63 NESHAP standard that can and cannot be delegated to state and local agencies. See 68 FR 37334 (June 23, 2003). Provisions of 40 CFR Part 63 that are specifically identified in 68 FR 37334 as provisions that cannot be delegated to state and local agencies are not delegated.

2. General Provision Authorities (40 CFR Part 63, Subpart A) That Are Not Delegated

In addition to those identified in 67 FR 39622, 39624, Table 2, and 40 CFR 63.91(g)(2):

| Section | Authorities |
|-------------------|---|
| 63.8(b)(2)(ii)(A) | Approval of installation of fewer monitoring systems when one affected facility/source vents through more than one point (<i>This is a major change to monitoring</i>). |