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

DEC 18 2014

OFFICE OF
AIR, WASTE AND TOXICS

RECEIVED
DEC 23 2014
Dept. of Environmental Quality
Director's Office

Mr. Curt Fransen
Director
Idaho Department of Environmental Quality
1410 North Hilton
Boise, Idaho 83706

Re: Approval of Idaho Department of Environmental Quality's Request for Updated Delegation of Authority for National Emissions Standards for Hazardous Air Pollutants (NESHAP)

Dear Mr. Fransen:

This letter is in response to your April 18, 2014, request to update and continue the delegation of the National Emission Standards for Hazardous Air Pollutants (NESHAPs). Consistent with the approved mechanism for streamlined delegation as described in 67 FR 3106 (January 23, 2002), the U.S. Environmental Protection Agency hereby grants this updated delegation request, as described below, to the Idaho Department of Environmental Quality (IDEQ) for the identified NESHAPs in effect on July 1, 2013.

Delegation Request

You requested to update delegation of the 40 CFR 61 and 63 standards that were previously delegated to IDEQ and to obtain delegation of new standards that the EPA has promulgated since your last delegation request:

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, 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, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, IIIII, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, UUUUU, HHHHHHH.

IDEQ has demonstrated that the above-mentioned new and updated standards were adopted unchanged into IDEQ's regulations in IDAPA 58.01.01 on March 20, 2014.

Delegation Authority

The EPA has determined that IDEQ's regulations continue to provide adequate and effective procedures for implementing and enforcing the NESHAPs. Accordingly, the 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 by IDEQ, this delegation is limited to implementation and enforcement of the NESHAPs for Title V sources. Implementation and enforcement of the NESHAPs for Non-Title V sources remain the responsibility of the EPA.

2. The EPA is delegating the identified federal standards as in effect on July 1, 2013. New NESHAPs or NESHAPs that are revised substantively after that date are not delegated to your agency; these remain the responsibility of the EPA.

    a. Acceptance of this delegation does not commit your agency to request or accept delegation of future NESHAP standards and requirements.

    b. The EPA encourages your agency to update your NESHAP delegation on an annual basis. This could coincide with the updating of the adoption by reference of the Federal NESHAP standards, which is important for maintaining the EPA's approval of your Title V operating permit program.

3. The 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.

4. This delegation is subject to the terms and conditions of the EPA's previous NESHAP delegations to IDEQ, 63 FR 66054 (December 1, 1998), 64 FR 7793 (February 17, 1999), 65 FR 10391 (February 28, 2000), 67 FR 11417 (March 14, 2002), to the extent not inconsistent with this letter.

5. This delegation is subject to all federal laws and regulations as well as the EPA's policies, guidance, and determinations issued pursuant to 40 CFR Part 61 and Part 63.

6. If both a state or local regulation and a federal regulation apply to the same source, both must be complied with regardless of whether one is more stringent than the other pursuant to the requirements of Section 116 of the Clean Air Act.

7. Implementation and enforcement of the delegated NESHAPs are subject to the current Compliance Assurance Agreement for Air Quality signed by IDEQ and the EPA. This agreement defines roles and responsibilities, including timely and appropriate enforcement response and the maintenance of the Aerometric Facility Subsystem.

8. Enforcement of these delegated NESHAPs in your jurisdiction will be the primary responsibility of your agency. Nevertheless, the EPA may exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act with respect to sources which are subject to the NESHAPs.

9. Your agency and the EPA should communicate sufficiently to ensure that each is fully informed and current regarding interpretation of regulations, including any unique questions about applicability, and the compliance status of subject sources in your jurisdiction.

    a. Any records or reports provided to or otherwise obtained by your agency should be made available to the EPA upon request.

    b. In accordance with 40 CFR 61.16 and 63.15, the availability to the public of information provided to or otherwise obtained by the EPA in connection with this delegation shall be governed by 40 CFR Part 2.

10. Your agency will be the recipient of all notifications and reports and be the point of contact for questions and compliance issues for these delegated NESHAP standards. The EPA may request notifications and reports from sources and/or IDEQ, if needed.

11. Your agency will be the recipient of all notifications and reports and be the point of contact for questions and compliance issues for these delegated NESHAPs. The EPA may request notifications and reports from owners/operators and/or your agency, if needed.

12. Your agency will ensure that all relevant source notification and report information is entered into the AFS database system to meet your recordkeeping/reporting requirements. The AFS reporting elements for "source information" that your agency is expected to provide include, but are not limited to:

    a. Identification of source
    b. Pollutants regulated
    c. Applicability of subparts
    d. Permit number for specific source or sub-unit
    e. Dates of most recent NESHAP compliance evaluations (inspections)
    f. Compliance status

13. Your agency will require affected facilities to utilize the methods specified in 40 CFR Part 61 and 63 in performing source tests pursuant to the regulations. See 40 CFR 63.7.

14. Changes and alternatives:

    a. For Part 61 standards:

        i. Your agency is not delegated authority to approve "major changes to test methods," "major changes to monitoring," "major changes to recordkeeping/reporting," equivalent methods, alternative methods, emerging technologies, equivalent means of emission limitations, petitions for exemptions, and time extensions. Such approvals remain the responsibility of the EPA.

        ii. Approval of "minor changes to test methods," "intermediate changes to test methods," "minor changes to monitoring," "intermediate changes to monitoring,"

and "minor changes to recordkeeping/reporting" is delegated to your agency.

b. For Part 63 standards:

i. Your agency is not delegated the Category II authorities in 40 CFR 63.91(g)(2)(ii). Except as provided in paragraph 14.b.ii. below, your agency is also not delegated authority to approve equivalent methods, alternative methods, emerging technologies, equivalent means of emission limitations, petitions for exemptions, and time extensions. Such decisions and approvals remain the responsibility of the EPA.

ii. Your agency is delegated the Category I authorities in 40 CFR 63.91(g)(1)(i).

c. Your agency must maintain a record of all approved alternatives to monitoring, testing, recordkeeping/reporting requirements and provide this list of alternatives to the EPA semi-annually or more frequently if requested by the EPA. The EPA may audit any approved alternatives and disapprove any that it determines are inappropriate after discussion with your agency. If changes are disapproved, your agency must notify the owner/operator that it must revert to the original applicable monitoring, testing, recordkeeping, and/or reporting requirements. Also, in cases where the owner/operator does not maintain the conditions which prompted the approval of the alternatives to the monitoring, testing, recordkeeping, and/or reporting requirements, your agency must require the source to revert to the original monitoring, testing, recordkeeping, and reporting requirements, or more stringent requirements, if justified.

d. For purposes of this paragraph, the terms in quotations have the meaning assigned to them in 40 CFR 63.90.

15. Your agency's authority to implement and enforce the NESHAPs 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, the EPA will continue to implement the NESHAPs 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.

16. The EPA Administrator delegated to the EPA Region 10, the authority to delegate the NESHAPs to any state or local agency. A state or local agency that receives delegation from the EPA Region 10 does not have the federally recognized authority to further delegate the NESHAPs.

17. If the EPA determines that your agency's procedures for implementing or enforcing the NESHAPs are inadequate or are not being effectively carried out, this delegation may be revoked in whole or in part by written notice of the revocation. Any such revocation will be effective as of the date specified in the notice.

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 the EPA is

needed from IDEQ to make this delegation effective. We will periodically publish a notice in the Federal Register 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,

Kate Kelly, Director
Office of Air, Waste and Toxics

Enclosures

cc: Tiffany Floyd, Administrator
IDEQ Air Quality Division

Enclosure A

NESHAP Subparts Delegated to Idaho Department of Environmental Quality*

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
G	**RESERVED**	
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	
S	**RESERVED**	
T	Radon Emissions from Disposal of Uranium Mill Tailings	
U	**RESERVED**	
V	Equipment Leaks (Fugitive Emission Sources)	X
W	Radon Emissions from Operating Mill Tailings	
X	**RESERVED**	
Y	Benzene Emissions from Benzene Storage Vessels	X
Z	**RESERVED**	
AA	**RESERVED**	
BB	Benzene Emissions from Benzene Transfer Operations	X
CC	**RESERVED**	
DD	**RESERVED**	
EE	**RESERVED**	
FF	Benzene Waste Operations	X

* NESHAP Subparts listed are delegated to Idaho Department of Environmental Quality as in effect on July 1, 2013.
† Any authority within any subpart of 40 CFR 61 that is not delegable is not delegated.

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 ***(vacated by court)***	
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	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	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
MM	Chemical Recovery Combustion Sources At Kraft, Soda, Sulfite, and Stand-Alone Semi-chemical Pulp Mills *(Except provisions pertaining to kraft and sulfite pulp mills)*	X

‡ Any authority within any subpart of 40 CFR 63 that is not delegable is not delegated.

Part 63 - Subparts‡		Delegated
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
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

Part 63 - Subparts‡		Delegated
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	X
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 ***(vacated by court)***	
KKKKK	Clay Ceramics Manufacturing ***(vacated by court)***	
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/Stands	X
QQQQQ	Friction Materials Manufacturing Facilities	X
RRRRR	Taconite Iron Ore Processing	X
SSSSS	Refractory Products Manufacturing	X
TTTTT	Primary Magnesium Refining	X
UUUUU	Coal- and Oil-Fired Electric Utility Steam Generating Units	X
VVVVV	**RESERVED**	
WWWWW	Area Sources: Hospital Ethylene Oxide Sterilizers	
XXXXX	**RESERVED**	
YYYYY	Area Sources: Electric Arc Furnace Steelmaking facilities	
ZZZZZ	Area Sources: Iron and Steel Foundries	
AAAAAA	**RESERVED**	
BBBBBB	Area Sources: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline facilities	
CCCCCC	Area Sources: Gasoline Dispensing Facilities	

Part 63 - Subparts‡		Delegated
DDDDDD	Area Sources: Polyvinyl Chloride and Copolymers Production	
EEEEEE	Area Sources: Primary Copper Smelting	
FFFFFF	Area Sources: Secondary Copper Smelting	
GGGGGG	Area Sources: Primary Nonferrous Metal – Zinc, Cadmium, and Beryllium	
HHHHHH	Area Sources: Paint Stripping and Misc. Surface Coating Operation at	
IIIIII	**RESERVED**	
JJJJJJ	Area Sources: Industrial, Commercial and Institutional Boilers and Process Heaters	
KKKKKK	**RESERVED**	
LLLLLL	Ares Sources: Acrylic and Modacrylic Fibers Production	
MMMMMM	Area Sources: Carbon Black Production	
NNNNNN	Area Sources: Chemical Manufacturing – Chromium Compounds	
OOOOOO	Area Sources: Flexible Polyurethane Foam Production and Fabrication	
PPPPPP	Area Sources: Lead Acid Battery Manufacturing	
QQQQQQ	Area Sources: Wood Preserving	
RRRRRR	Area Sources: Clay Ceramics Manufacturing	
SSSSSS	Area Sources: Glass Manufacturing	
TTTTTT	Area Sources: Secondary Nonferrous Metal Process	
UUUUUU	**RESERVED**	
VVVVVV	Area Sources: Chemical Manufacturing	
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	
AAAAAAA	Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing	
BBBBBBB	Area Sources: Chemical Preparations Industry	
CCCCCCC	Area Sources: Paints and Allied Products Manufacturing	
DDDDDDD	Area Sources: Prepared Feeds Manufacturing	
EEEEEEE	Area Sources: Gold Mine Ore Processing and Production	
HHHHHHH	Polyvinyl Chloride and Copolymers Production	X