



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

AIR & RADIATION
DIVISION

November 2, 2021

Mr. Mark Buford
Control Officer
Northwest Clean Air Agency
1600 South Second Street
Mount Vernon, Washington 98273

Re: Approval of the Northwest Clean Air Agency's Request for Updated Delegation of Authority for New Source Performance Standards

Dear Mr. Buford:

This letter is response your letter dated July 13, 2021, requesting to update and continue the delegation of authority to implement and enforce certain New Source Performance Standards, 40 CFR part 60. After review of your request, the U.S. Environmental Protection Agency approves the Northwest Clean Air Agency's updated delegation request for the identified NSPS standards in effect on April 21, 2021, for those sources under your jurisdiction with the limitations specified below.

Delegation Request

You have requested to update delegation of 40 CFR part 60 NSPS that were previously delegated to NWCAA.

Your request for delegation excluded the following subparts of 40 CFR part 60: S, BB, BBa, AAA, QQQQ, and TTTT.¹

NWCAA demonstrated that on June 10, 2021, NWCAA amended its regulations, updating Section 104.2 of the Regulation of the NWCAA, thereby adopting the identified provisions of 40 CFR part 60 unchanged and as in effect on April 21, 2021, into its regulations.

Delegation of Authority

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

¹ Subparts S, BB, and BBa apply to primary aluminum reduction plants and Kraft pulp mills which, in the state of Washington, are regulated by the Washington Department of Ecology. See Washington Administrative Code 173-405-012 and 173-415-010.

1. As requested by NWCAA, the delegation of all requested NSPS is limited to implementation and enforcement of the NSPS promulgated as of April 21, 2021.
2. The EPA is not delegating the following provisions under 40 CFR part 60:
 - a. Subpart B, which applies to the adoption and submittal of state plans and actions taken to approve or disapprove such plans by the Administrator of the EPA. This subpart is not delegable.
 - b. Subpart C, which states that several other subparts contain emission guidelines and compliance times for the control of certain designated pollutants in accordance with section 111(d) and section 129 of the Clean Air Act and subpart B of 40 CFR part 60. This subpart establishes no authority that is necessary to implement or enforce the program and is not delegable.
 - c. Subparts Cb, Cc, Cd, Ce, Cf, BBBB, DDDD, FFFF, MMMM, and UUUUa, which contain emission guidelines for selected source categories. These authorities are retained by the EPA.
3. The appendices of 40 CFR part 60, which contain methods and procedures for assuring compliance with the subparts in 40 CFR part 60, grant no authority necessary to implement or enforce the program. Therefore, delegation of the appendices is not necessary.
4. The EPA is not delegating the provisions of the Consolidated Air Rule (CAR) under 40 CFR part 65. As proposed on October 28, 1998 (63 FR 57748, 57784-57786) and promulgated on December 14, 2000 (65 FR 78268, 78272), the CAR comprises alternative compliance approaches to referencing subparts in 40 CFR parts 60 and 63. Therefore, formal delegation of the CAR is not required provided the state has received formal delegation of the referencing subpart.
5. The EPA is delegating the identified federal standards as in effect on April 21, 2021. New NSPS or NSPS that are revised substantively after that date are not delegated to your agency.
 - a. Acceptance of this delegation does not commit your agency to request or accept delegation of future NSPS standards and requirements.
 - b. The EPA encourages your agency to update your NSPS delegation on an annual basis. This could coincide with the updating of the adoption by reference of the federal NSPS standards, which is important for maintaining the EPA's approval of your part 70 permitting program.
6. The EPA is not delegating authorities under 40 CFR part 60 that specifically indicate they cannot be delegated, that require rulemaking to implement, that affect the stringency of the standard, equivalency determinations, or where national oversight is the only way to ensure national consistency.
7. The EPA is not delegating standards that have been vacated as a matter of federal law.
8. Implementation and enforcement of the delegated NSPS are subject to the *Environmental Performance Partnership Agreement* between the State of Washington and the EPA, June 2021, and its successor documents. The Agreement defines roles and responsibilities, including timely and appropriate enforcement response and the maintenance of the Integrated Compliance Information System for Air via the Exchange Network.

9. Enforcement of these delegated NSPS in your jurisdiction will be the primary responsibility of your agency. Nevertheless, the EPA may exercise its concurrent enforcement authority pursuant to sections 111(d)(2) and 113 of the Clean Air Act with respect to sources that are subject to the NSPS.
10. Your agency and the EPA should communicate sufficiently to ensure that each is fully informed and current regarding these 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 60.9, 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.
11. Your agency will be the recipient of all notifications and reports and be the point of contact for questions and compliance issues for the delegated NSPS. The EPA may request notifications and reports from owners/operators and/or your agency.
12. Your agency will work with owners and operators of affected facilities subject to an NSPS subpart to ensure all required information is submitted to your agency. Your assistance is requested to ensure that this information, including excess emission reports and summaries, is submitted to the EPA upon request.
13. Your agency will ensure that all relevant source notification and report information is entered into the ICIS-Air database system to meet your recordkeeping/reporting requirements. The ICIS-Air 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 NSPS compliance evaluations (inspections); and
 - f. Compliance status.
14. Your agency will require affected facilities to use the methods specified in 40 CFR part 60, as applicable, in performing source tests pursuant to the regulations. *See* 40 CFR 60.8.
15. Changes and alternatives:
- a. Your agency is not delegated the authorities under 40 CFR 60.4(b), 60.8(b) (terms 2 and 3, to the extent that the change represents an alternative or equivalent method or a *major change to testing* as defined in 40 CFR 63.90), 60.9, 60.11(b) (with respect to alternative methods), 60.11(e)(7)&(8), 60.13(a), 60.13(d)(2), and 60.13(g).
 - b. Your agency is not delegated the authority to approve a *major change to monitoring* under 40 CFR 60.13(i). A *major change to monitoring* is defined in 40 CFR 63.90.

c. Your agency must maintain a record of all approved alternatives to monitoring, testing, and 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 owner/operator to revert to the original monitoring, testing, recordkeeping, and reporting requirements, or more stringent requirements, if justified.

16. Any authorities not addressed in this letter and not identified in any delegated subpart of part 60 as authorities that cannot be delegated shall be considered delegated.

17. Your agency's authority to implement and enforce NSPS under this delegation does not extend to sources or activities located in Indian Country, as defined in 18 U.S.C. 1151.² Consistent with previous federal program approvals or delegations, the EPA will continue to implement the NSPS in Indian Country because your agency has not demonstrated that it has authority over sources and activities located within the exterior boundaries of Indian reservations and in other areas of Indian Country.

18. The EPA Administrator delegated to the EPA, Region 10 the authority to delegate the NSPS to any state or local agency. A state or local agency that receives delegation from the EPA, Region 10 cannot further delegate the NSPS.

19. If the EPA determines that your agency's procedures for implementing or enforcing the NSPS 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 days, this delegation is final and will be effective ten days from the date of this letter. Otherwise, no further correspondence to the EPA is needed from NWCAA to make this delegation effective. We will periodically publish a notice in the Federal Register informing the public of NWCAA's updated delegations.

If you have any questions, please contact Geoffrey Glass, of my staff, at (206) 553-1847 or glass.geoffrey@epa.gov.

Sincerely,

for

Krishna Viswanathan
Director

Enclosure

² Under this definition, the EPA treats as reservations trust lands validly set aside for the use of a tribe even if the trust lands have not been formally designated as a reservation.

cc: Ms. Kathy Taylor
Washington Department of Ecology

Ms. Elena Guilfoil
Washington Department of Ecology

Ms. Crystal Rau
NWCAA

Enclosure A		
Standards of Performance for New Stationary Sources Subparts Delegated to the Northwest Clean Air Agency (NWCAA) ¹		
40 CFR Part 60 Subparts ^{2,3}		
Subpart	Description of Subpart	Delegated to NWCAA
A	General Provisions	<input checked="" type="checkbox"/>
B	Adoption and Submittal of State Plans for Designated Facilities	<input type="checkbox"/>
C	Emission Guidelines and Compliance Times	<input type="checkbox"/>
Ca	[Reserved]	<input type="checkbox"/>
Cb	Emission Guidelines and Compliance Times for Large Municipal Waste Combustors that are Constructed on or before September 20, 1994	<input type="checkbox"/>
Cc	Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills	<input type="checkbox"/>
Cd	Emission Guidelines and Compliance Times for Sulfuric Acid Production Units	<input type="checkbox"/>
Ce	Emission Guidelines and Compliance Times for Hospital/Medical/Infections Waste Incinerators	<input type="checkbox"/>
Cf	Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills	<input type="checkbox"/>
D	Fossil-Fuel-Fired Steam Generators	<input checked="" type="checkbox"/>
Da	Electric Utility Steam Generating Units	<input checked="" type="checkbox"/>
Db	Industrial-Commercial-Institutional Steam Generating Units	<input checked="" type="checkbox"/>
Dc	Small Industrial-Commercial-Institutional Steam Generating Units	<input checked="" type="checkbox"/>
E	Incinerators	<input checked="" type="checkbox"/>
Ea	Municipal Waste Combustors for which Construction is Commenced after December 20, 1989 and on or before September 20, 1994	<input checked="" type="checkbox"/>
Eb	Large Municipal Waste Combustors for which Construction is Commenced after September 20, 1994 or for which Modification or Reconstruction is Commenced after June 19, 1996	<input checked="" type="checkbox"/>
Ec	Hospital/Medical/Infectious Waste Incinerators	<input checked="" type="checkbox"/>
F	Portland Cement Plants	<input checked="" type="checkbox"/>
G	Nitric Acid Plants	<input checked="" type="checkbox"/>

¹ NSPS subparts listed are delegated to NWCAA as in effect on April 21, 2021.

² Additional authorities excluded from this delegation are identified in the letter accompanying this Enclosure.

³ This delegation does not include standards that have been vacated as a matter of federal law.

Ga	Nitric Acid Plants for which Construction, Reconstruction, or Modification Commenced after October 14, 2011	<input checked="" type="checkbox"/>
H	Sulfuric Acid Plants	<input checked="" type="checkbox"/>
I	Hot Mix Asphalt Facilities	<input checked="" type="checkbox"/>
J	Petroleum Refineries	<input checked="" type="checkbox"/>
Ja	Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after May 14, 2007	<input checked="" type="checkbox"/>
K	Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after June 11, 1973, and prior to May 19, 1978	<input checked="" type="checkbox"/>
Ka	Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after May 18, 1978, and prior to July 23, 1984	<input checked="" type="checkbox"/>
Kb	Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) For which Construction, Reconstruction, or Modification Commenced after July 23, 1984	<input checked="" type="checkbox"/>
L	Secondary Lead Smelters	<input checked="" type="checkbox"/>
M	Secondary Brass and Bronze Production Plants	<input checked="" type="checkbox"/>
N	Primary Emissions from Basic Oxygen Process Furnaces for which Construction is Commenced after June 11, 1973	<input checked="" type="checkbox"/>
Na	Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for which Construction is Commenced after January 20, 1983	<input checked="" type="checkbox"/>
O	Sewage Treatment Plants	<input checked="" type="checkbox"/>
P	Primary Copper Smelters	<input checked="" type="checkbox"/>
Q	Primary Zinc Smelters	<input checked="" type="checkbox"/>
R	Primary Lead Smelters	<input checked="" type="checkbox"/>
S	Primary Aluminum Reduction Plants	<input type="checkbox"/>
T	Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants	<input checked="" type="checkbox"/>
U	Phosphate Fertilizer Industry: Superphosphoric Acid Plants	<input checked="" type="checkbox"/>
V	Phosphate Fertilizer Industry: Diammonium Phosphate Plants	<input checked="" type="checkbox"/>
W	Phosphate Fertilizer Industry: Triple Superphosphate Plants	<input checked="" type="checkbox"/>
X	Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities	<input checked="" type="checkbox"/>
Y	Coal Preparation and Processing Plants	<input checked="" type="checkbox"/>
Z	Ferrous Alloy Production Facilities	<input checked="" type="checkbox"/>
AA	Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974, and on or before August 17, 1983	<input checked="" type="checkbox"/>
AAa	Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 17, 1983	<input checked="" type="checkbox"/>

BB	Kraft Pulp Mills	<input type="checkbox"/>
BBa	Kraft Pulp Mill Affected Sources for which Construction, Reconstruction, or Modification Commenced after May 23, 2013	<input type="checkbox"/>
CC	Glass Manufacturing Plants	<input checked="" type="checkbox"/>
DD	Grain Elevators	<input checked="" type="checkbox"/>
EE	Surface Coating of Metal Furniture	<input checked="" type="checkbox"/>
FF	[Reserved]	<input type="checkbox"/>
GG	Stationary Gas Turbines	<input checked="" type="checkbox"/>
HH	Lime Manufacturing Plants	<input checked="" type="checkbox"/>
KK	Lead-Acid Battery Manufacturing Plants	<input checked="" type="checkbox"/>
LL	Metallic Mineral Processing Plants	<input checked="" type="checkbox"/>
MM	Automobile and Light Duty Truck Surface Coating Operations	<input checked="" type="checkbox"/>
NN	Phosphate Rock Plants	<input checked="" type="checkbox"/>
PP	Ammonium Sulfate Manufacture	<input checked="" type="checkbox"/>
QQ	Graphic Arts Industry: Publication Rotogravure Printing	<input checked="" type="checkbox"/>
RR	Pressure Sensitive Tape and Label Surface Coating Operations	<input checked="" type="checkbox"/>
SS	Industrial Surface Coating: Large Appliances	<input checked="" type="checkbox"/>
TT	Metal Coil Surface Coating	<input checked="" type="checkbox"/>
UU	Asphalt Processing and Asphalt Roofing Manufacture	<input checked="" type="checkbox"/>
VV	Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced after January 5, 1981, and on or before November 7, 2006	<input checked="" type="checkbox"/>
VVa	Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced after November 7, 2006	<input checked="" type="checkbox"/>
WW	Beverage Can Surface Coating Industry	<input checked="" type="checkbox"/>
XX	Bulk Gasoline Terminals	<input checked="" type="checkbox"/>
AAA	New Residential Wood Heaters	<input type="checkbox"/>
BBB	Rubber Tire Manufacturing Industry	<input checked="" type="checkbox"/>
CCC	[Reserved]	<input type="checkbox"/>
DDD	Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry	<input checked="" type="checkbox"/>
EEE	[Reserved]	<input type="checkbox"/>
FFF	Flexible Vinyl and Urethane Coating and Printing	<input checked="" type="checkbox"/>
GGG	Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after January 4, 1983, and on or before November 7, 2006	<input checked="" type="checkbox"/>

GGGa	Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after November 7, 2006	<input checked="" type="checkbox"/>
HHH	Synthetic Fiber Production Facilities	<input checked="" type="checkbox"/>
III	Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes	<input checked="" type="checkbox"/>
JJJ	Petroleum Dry Cleaners	<input checked="" type="checkbox"/>
KKK	Equipment Leaks of VOC from Onshore Natural Gas Processing Plants for which Construction, Reconstruction, or Modification Commenced after January 20, 1984, and On or before August 23, 2011	<input checked="" type="checkbox"/>
LLL	SO2 Emissions from Onshore Natural Gas Processing for which Construction, Reconstruction, or Modification Commenced after January 20, 1984, and on or before August 23, 2011	<input checked="" type="checkbox"/>
MMM	[Reserved]	<input type="checkbox"/>
NNN	Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations	<input checked="" type="checkbox"/>
OOO	Nonmetallic Mineral Processing Plants	<input checked="" type="checkbox"/>
PPP	Wool Fiberglass Insulation Manufacturing Plants	<input checked="" type="checkbox"/>
QQQ	VOC Emissions from Petroleum Refinery Wastewater Systems	<input checked="" type="checkbox"/>
RRR	Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes	<input checked="" type="checkbox"/>
SSS	Magnetic Tape Coating Facilities	<input checked="" type="checkbox"/>
TTT	Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines	<input checked="" type="checkbox"/>
UUU	Calciners and Dryers in Mineral Industries	<input checked="" type="checkbox"/>
VVV	Polymeric Coating of Supporting Substrates Facilities	<input checked="" type="checkbox"/>
WWW	Municipal Solid Waste Landfills	<input checked="" type="checkbox"/>
XXX	Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014	<input checked="" type="checkbox"/>
AAAA	Small Municipal Waste Combustion Units for which Construction is Commenced after August 30, 1999 or for which Modification or Reconstruction is Commenced after June 6, 2001	<input checked="" type="checkbox"/>
BBBB	Emissions Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or before August 30, 1999	<input type="checkbox"/>
CCCC	Commercial and Industrial Solid Waste Incineration Units	<input checked="" type="checkbox"/>

DDDD	Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units	<input type="checkbox"/>
EEEE	Other Solid Waste Incineration Units for which Construction is Commenced after December 9, 2004, or for which Modification or Reconstruction is Commenced On or after June 16, 2006	<input checked="" type="checkbox"/>
FFFF	Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units that Commenced Construction on or before December 9, 2004	<input type="checkbox"/>
GGGG	[Reserved]	<input type="checkbox"/>
HHHH	[Reserved]	<input type="checkbox"/>
IIII	Stationary Compression Ignition Internal Combustion Engines	<input checked="" type="checkbox"/>
JJJJ	Stationary Spark Ignition Internal Combustion Engines	<input checked="" type="checkbox"/>
KKKK	Stationary Combustion Turbines	<input checked="" type="checkbox"/>
LLLL	New Sewage Sludge Incineration Units	<input checked="" type="checkbox"/>
MMMM	Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units	<input type="checkbox"/>
OOOO	Crude Oil and Natural Gas Production, Transmission, and Distribution	<input checked="" type="checkbox"/>
OOOOa	Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced after September 18, 2015	<input checked="" type="checkbox"/>
PPPP	[Reserved]	<input type="checkbox"/>
QQQQ	New Residential Hydronic Heaters and Forced-Air Furnaces	<input type="checkbox"/>
TTTT	Greenhouse Gas Emissions for Electric Generating Units	<input type="checkbox"/>
UUUUa	Emission Guidelines for Greenhouse Gas Emissions for Electric Utility Generating Units	<input type="checkbox"/>