



REGION 10
SEATTLE, WA 98101

January 7, 2025

Mr. Mark Buford
Executive Director
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 National Emissions Standards for Hazardous Air Pollutants

Dear Mr. Buford:

This letter is in response to your January 16, 2024, request to update and continue the delegation of certain National Emission Standards for Hazardous Air Pollutants. Consistent with the approved mechanism for streamlined delegation as described in 63 FR 66054 (December 1, 1998), the U.S. Environmental Protection Agency hereby grants this updated delegation request, as described below, to the Northwest Clean Air Agency for those sources under your jurisdiction for the identified NESHAP in effect on October 18, 2023.

Delegation Request

You have requested to update delegation of the 40 CFR parts 61 and 63 NESHAP standards that were previously delegated to NWCAA and to obtain delegation of new standards that the EPA has promulgated since your last delegation.

1. Your request for delegation excluded subparts under 40 CFR part 61 regulating radon or radionuclides, specifically: subparts B, H, I, K, Q, R, T, and W.
2. Your request for delegation excluded the following subparts under 40 CFR part 63: J, S, LL, MM, NN, RRR, JJJJ, KKKKK, YYYYY, DDDDDD, EEEEE, FFFFFF, GGGGGG, LLLLLL, MMMMMM, NNNNNN, PPPPPP, RRRRRR, SSSSSS, VVVVVV, YYYYYY, BBBBBB, CCCCCC, and EEEEE.

NWCAA demonstrated that on December 14, 2023, NWCAA adopted the identified provisions of 40 CFR parts 61 and 63 unchanged and as in effect on October 18, 2023, into Section 104.2 of 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 NESHAP. Accordingly, the EPA hereby approves your request for an updated delegation of authority to implement and enforce the NESHAP standards identified in Enclosures A and B, subject to the following terms and conditions:

1. As requested by NWCAA, the delegation of all requested NESHAP is limited to implementation and enforcement of the NESHAP as of October 18, 2023.
2. The EPA is not delegating the following provisions under 40 CFR part 63 to NWCAA:
 - a. Subpart B, which implements sections 112(g) and 112(j) of the Clean Air Act. The EPA has previously stated that a part 70 permitting authority does not need to apply for approval in order to use its own program to implement section 112(g). Furthermore, section 112(j) is designed to use the title V permit process as the primary vehicle for establishing requirements. Therefore, delegation is not required to implement sections 112(g) and 112(j) and 40 CFR subpart B. *See* 59 FR 26429, 26447 (May 20, 1994) and 61 FR 68384, 68397 (December 27, 1996).
 - b. Subpart C, which lists hazardous air pollutants that have been deleted or refined. This subpart grants no authority that is necessary to implement or enforce the program and is therefore not delegable.
 - c. Subpart D, which implements section 112(d) of the Clean Air Act. Because this subpart explicitly states that it applies to a state or local agency acting pursuant to a permit program approved under title V of the Clean Air Act, delegation is unnecessary.
 - d. Subpart E, which establishes procedures for the EPA approval of state rules, programs, or other requirements to implement and enforce section 112 Federal rules and is not delegable.
3. The EPA is not delegating the provisions of the Consolidated Air Rule 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.
4. Note that certain authorities are automatically granted to you because you have an approved part 70 program (see for example, 40 CFR 63.6(i)(1)). *See* 66 FR 48211, 48213 (September 19, 2001). However, you must have authority to implement and enforce the particular standard against the source as a matter of state law in order to implement this authority as a matter of federal law.

5. The EPA is delegating the identified federal standards as in effect on October 18, 2023. New NESHAP or NESHAP 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 part 70 permitting program.
6. 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, 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. This delegation is subject to the terms and conditions of the EPA's previous NESHAP delegation to NWCAA, 63 FR 66054 (December 1, 1998), 64 FR 7793 (February 17, 1999), 65 FR 10391 (February 28, 2000), and 67 FR 11417 (March 14, 2002), as updated by this letter.
9. Implementation and enforcement of the delegated NESHAP are subject to the *Environmental Performance Partnership Agreement* between the State of Washington and the EPA 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. Your agency will ensure that all relevant source notification and report information is entered as provided in the agreement into the specified EPA database system to meet your recordkeeping/reporting requirements.
10. Enforcement of these delegated NESHAP in your jurisdiction will be the primary responsibility of your agency. Nevertheless, the EPA may exercise its concurrent enforcement authority pursuant to sections 112(l)(7) and 113 of the Clean Air Act and 40 CFR 63.90(d)(2) with respect to sources that are subject to the NESHAP.
11. 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.

12. 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. The EPA may request notifications and reports from owners/operators and/or your agency, if needed.
13. Your agency will work with owners and operators of affected facilities subject to a NESHAP 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, if needed.
14. Your agency will require affected facilities to use the methods specified in 40 CFR parts 61 and 63, as applicable, in performing source tests pursuant to the regulations. See 40 CFR 61.7 and 63.7.
15. Changes and alternatives:
 - a. For part 61 standards, your agency is not delegated the authorities under 40 CFR 61.04(b), 61.04(c), 61.05(c), 61.11, 61.12(d), 61.13(h)(1)(ii), 61.14(d), 61.14(g)(1)(ii), and 61.16. Such authorities and approvals remain the responsibility of the EPA.
 - b. For part 63 standards, your agency is not delegated the Category II authorities in 40 CFR 63.91(g)(2)(ii). Such authorities and approvals remain the responsibility of the EPA.
 - 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 source to revert to the original monitoring, testing, recordkeeping, and reporting requirements, or more stringent requirements, if justified.
16. Your agency's authority 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. 1151.¹ Consistent with previous federal program approvals or delegations, the EPA will continue to implement the NESHAP 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.

¹ 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.

17. The EPA Administrator delegated to the EPA, Region 10 the authority to delegate the NESHAP 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 NESHAP.

18. 40 CFR 63.96(b) contains the applicable procedures governing withdrawal of this delegation by the EPA or from this delegation by NWCAA, as applicable.

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 delegation.

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

Sincerely,

Krishna Viswanathan
Director
Air and Radiation Division

Enclosures

cc: Ms. Kathy Taylor
Washington Department of Ecology

Mr. Ned Ende
Washington Department of Ecology

Ms. Crystal Rau
NWCAA

Enclosure A		
National Emission Standards for Hazardous Air Pollutants Subparts Delegated to the Northwest Clean Air Agency (NWCAA) ¹		
40 CFR Part 61 Subparts ^{2,3}		
Subpart	Description of Subpart	Delegated to NWCAA
A	General Provisions	☒
B	National Emission Standards for Radon Emissions from Underground Uranium Mines	☐
C	National Emission Standard for Beryllium	☒
D	National Emission Standard for Beryllium Rocket Motor Firing	☒
E	National Emission Standard for Mercury	☒
F	National Emission Standard for Vinyl Chloride	☒
G	[Reserved]	☐
H	National Emission Standards for Radionuclides other than Radon from Department of Energy Facilities	☐
I	National Emission Standards for Radionuclide Emissions from Federal Facilities other than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H	☐
J	National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene	☒
K	National Emission Standards for Radionuclide Emissions from Elemental Phosphorus Plants	☐
L	National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants	☒
M	National Emission Standard for Asbestos	☒
N	National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants	☒
O	National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters	☒
P	National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities	☒
Q	National Emission Standards for Radon Emissions from Department of Energy Facilities	☐
R	National Emission Standards for Radon Emissions from Phosphogypsum Stacks	☐
S	[Reserved]	☐

¹ NESHA subparts are delegated to NWCAA as in effect on October 18, 2023.

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.

T	National Emission Standards for Radon Emissions from the Disposal of Uranium Mill Tailings	☐
U	[Reserved]	☐
V	National Emission Standard for Equipment Leaks (Fugitive Emission Sources)	☒
W	National Emission Standards for Radon Emissions from Operating Mill Tailings	☐
X	[Reserved]	☐
Y	National Emission Standard for Benzene Emissions from Benzene Storage Vessels	☒
Z	[Reserved]	☐
AA	[Reserved]	☐
BB	National Emission Standard for Benzene Emissions from Benzene Transfer Operations	☒
CC	[Reserved]	☐
DD	[Reserved]	☐
EE	[Reserved]	☐
FF	National Emission Standard for Benzene Waste Operations	☒

Enclosure B		
National Emission Standards for Hazardous Air Pollutants Subparts Delegated to the Northwest Clean Air Agency (NWCAA) ¹		
40 CFR Part 63 Subparts ^{2,3}		
Subpart	Description of Subpart	Delegated to NWCAA
A	General Provisions	☒
B	Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j)	☐
C	List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List	☐
D	Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants	☐
E	Approval of State Programs and Delegation of Federal Authorities	☐
F	National Emission Standards for Synthetic Organic Chemical Manufacturing Industry	☒
G	National Emission Standards for Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater	☒
H	National Emission Standards for Equipment Leaks	☒
I	National Emission Standards for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks	☒
J	National Emission Standards for Polyvinyl Chloride and Copolymers Production	☐
K	[Reserved]	☐
L	National Emission Standards for Coke Oven Batteries	☒
M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities	☒
N	National Emission Standards for Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks	☒
O	Ethylene Oxide Emissions Standards for Sterilization Facilities	☒
P	[Reserved]	☐
Q	Industrial Process Cooling Towers NESHP	☒
R	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)	☒

¹ NESHP subparts are delegated to NWCAA as in effect on October 18, 2023.

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.

S	Pulp and Paper Industry NESHAP	☐
T	National Emission Standards for Halogenated Solvent Cleaning	☒
U	Group I Polymers and Resins NESHAP	☒
V	[Reserved]	☐
W	Epoxy Resins Production and Non-Nylon Polyamides Production NESHAP	☒
X	Secondary Lead Smelting NESHAP	☒
Y	National Emission Standards for Marine Tank Vessel Loading Operations	☒
Z	[Reserved]	☐
AA	Phosphoric Acid Manufacturing Plants NESHAP	☒
BB	Phosphate Fertilizers Production Plants NESHAP	☒
CC	Petroleum Refineries NESHAP	☒
DD	Off-Site Waste and Recovery Operations NESHAP	☒
EE	National Emission Standards for Magnetic Tape Manufacturing Operations	☒
FF	[Reserved]	☐
GG	National Emission Standards for Aerospace Manufacturing and Rework Facilities	☒
HH	Oil and Natural Gas Production Facilities NESHAP	☒
II	National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)	☒
JJ	National Emission Standards for Wood Furniture Manufacturing Operations	☒
KK	National Emission Standards for Printing and Publishing Industry	☒
LL	Primary Aluminum Reduction Plants NESHAP	☐
MM	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills NESHAP	☐
NN	Wool Fiberglass Manufacturing at Area Sources NESHAP	☐
OO	National Emission Standards for Tanks - Level 1	☒
PP	National Emission Standards for Containers	☒
QQ	National Emission Standards for Surface Impoundments	☒
RR	National Emission Standards for Individual Drain Systems	☒
SS	National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process	☒
TT	National Emission Standards for Equipment Leaks - Control Level 1	☒
UU	National Emission Standards for Equipment Leaks - Control Level 2 Standards	☒

VV	National Emission Standards for Oil-Water Separators and Organic-Water Separators	☒
WW	National Emission Standards for Storage Vessels (Tanks) - Control Level 2	☒
XX	National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations	☒
YY	Source Categories NESHAP: Generic Maximum Achievable Control Technology Standards	☒
ZZ	[Reserved]	☐
AAA	[Reserved]	☐
BBB	[Reserved]	☐
CCC	Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants NESHAP	☒
DDD	Mineral Wool Production NESHAP	☒
EEE	Hazardous Waste Combustors NESHAP	☒
FFF	[Reserved]	☐
GGG	National Emission Standards for Pharmaceuticals Production	☒
HHH	Natural Gas Transmission and Storage Facilities NESHAP	☒
III	Flexible Polyurethane Foam Production NESHAP	☒
JJJ	Group IV Polymers and Resins NESHAP	☒
KKK	[Reserved]	☐
LLL	Portland Cement Manufacturing Industry NESHAP	☒
MMM	Pesticide Active Ingredient Production NESHAP	☒
NNN	Wool Fiberglass Manufacturing NESHAP	☒
OOO	Manufacture of Amino/Phenolic Resins Emissions NESHAP	☒
PPP	NESHAP for Polyether Polyols Production	☒
QQQ	Primary Copper Smelting NESHAP	☒
RRR	Secondary Aluminum Production NESHAP	☐
SSS	[Reserved]	☐
TTT	Primary Lead Smelting NESHAP	☒
UUU	Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units NESHAP	☒
VVV	National Emission Standards for Publicly Owned Treatment Works	☒
WWW	[Reserved]	☐
XXX	Ferroalloys Production: Ferromanganese & Silicomanganese NESHAP	☒
AAAA	Municipal Solid Waste Landfills NESHAP	☒
BBBB	[Reserved]	☐
CCCC	Manufacturing of Nutritional Yeast NESHAP	☒
DDDD	Plywood and Composite Wood Products NESHAP	☒

EEEE	Organic Liquids Distribution (Non-Gasoline) NESHAP	☒
FFFF	Miscellaneous Organic Chemical Manufacturing NESHAP	☒
GGGG	Solvent Extraction for Vegetable Oil Production NESHAP	☒
HHHH	Wet-Formed Fiberglass Mat Production NESHAP	☒
IIII	Surface Coating of Automobiles and Light-Duty Trucks NESHAP	☒
JJJJ	Paper and Other Web Coating NESHAP	☒
KKKK	Surface Coating of Metal Cans NESHAP	☒
MMMM	Surface Coating of Miscellaneous Metal Parts and Products NESHAP	☒
NNNN	Surface Coating of Large Appliances NESHAP	☒
OOOO	Printing, Coating, and Dyeing of Fabrics and Other Textiles NESHAP	☒
PPPP	Surface Coating of Plastic Parts and Products NESHAP	☒
QQQQ	Surface Coating of Wood Building Products NESHAP	☒
RRRR	Surface Coating of Metal Furniture NESHAP	☒
SSSS	Surface Coating of Metal Coil NESHAP	☒
TTTT	Leather Finishing Operations NESHAP	☒
UUUU	Cellulose Products Manufacturing NESHAP	☒
VVVV	Boat Manufacturing NESHAP	☒
WWWW	Reinforced Plastic Composites Production NESHAP	☒
XXXX	Rubber Tire Manufacturing NESHAP	☒
YYYY	Stationary Combustion Turbines NESHAP	☒
ZZZZ	Stationary Reciprocating Internal Combustion Engines NESHAP	☒
AAAAA	Lime Manufacturing Plants NESHAP	☒
BBBBB	Semiconductor Manufacturing NESHAP	☒
CCCCC	Coke Ovens: Pushing, Quenching, and Battery Stacks NESHAP	☒
DDDDD	Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters NESHAP	☒
EEEEE	Iron and Steel Foundries NESHAP	☒
FFFFF	Integrated Iron and Steel Manufacturing Facilities NESHAP	☒
GGGGG	Site Remediation NESHAP	☒
HHHHH	Miscellaneous Coating Manufacturing NESHAP	☒
IIIII	Mercury Emissions from Mercury Cell Chlor-Alkali Plants NESHAP	☒
JJJJJ	Brick and Structural Clay Products Manufacturing NESHAP	☐
KKKKK	Clay Ceramics Manufacturing NESHAP	☐
LLLLL	Asphalt Processing and Asphalt Roofing Manufacturing NESHAP	☒
MMMMM	Flexible Polyurethane Foam Fabrication Operations NESHAP	☒

NNNNN	Hydrochloric Acid Production NESHAP	☒
OOOOO	[Reserved]	☐
PPPPP	Engine Test Cells/Standards NESHAP	☒
QQQQQ	Friction Materials Manufacturing Facilities NESHAP	☒
RRRRR	Taconite Iron Ore Processing NESHAP	☒
SSSSS	Refractory Products Manufacturing NESHAP	☒
TTTTT	Primary Magnesium Refining NESHAP	☒
UUUUU	Coal- and Oil-Fired Electric Utility Steam Generating Units NESHAP	☒
VVVVV	[Reserved]	☐
WWWWW	National Emission Standards for Hospital Ethylene Oxide Sterilizers	☒
XXXXX	[Reserved]	☐
YYYYY	Area Sources: Electric Arc Furnace Steelmaking Facilities NESHAP	☐
ZZZZZ	Iron and Steel Foundries Area Sources NESHAP	☒
AAAAA	[Reserved]	☐
BBBBBB	Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities NESHAP	☒
CCCCC	Source Category: Gasoline Dispensing Facilities NESHAP	☒
DDDDDD	Polyvinyl Chloride and Copolymers Production Area Sources NESHAP	☐
EEEEEE	Primary Copper Smelting Area Sources NESHAP	☐
FFFFFF	Secondary Copper Smelting Area Sources NESHAP	☐
GGGGGG	Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium NESHAP	☐
HHHHHH	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources NESHAP	☒
IIIII	[Reserved]	☐
JJJJJ	Industrial, Commercial, and Institutional Boilers Area Sources NESHAP	☒
KKKKKK	[Reserved]	☐
LLLLL	Acrylic and Modacrylic Fibers Production Area Sources NESHAP	☐
MMMMMM	Carbon Black Production Area Sources NESHAP	☐
NNNNNN	Chemical Manufacturing Area Sources: Chromium Compounds NESHAP	☐
OOOOOO	Flexible Polyurethane Foam Production and Fabrication Area Sources NESHAP	☒
PPPPP	Lead Acid Battery Manufacturing Area Sources NESHAP	☐
QQQQQQ	Wood Preserving Area Sources NESHAP	☒

RRRRRR	Clay Ceramics Manufacturing Area Sources NESHAP	☐
SSSSSS	Glass Manufacturing Area Sources NESHAP	☐
TTTTTT	Secondary Nonferrous Metals Processing Area Sources NESHAP	☒
UUUUUU	[Reserved]	☐
VVVVVV	Chemical Manufacturing Area Sources NESHAP	☐
WWWWWW	Area Source Standards for Plating and Polishing Operations NESHAP	☒
XXXXXX	Area Source Standards for Nine Metal Fabrication and Finishing Source Categories NESHAP	☒
YYYYYY	Area Sources: Ferroalloys Production Facilities NESHAP	☐
ZZZZZZ	Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries NESHAP	☒
AAAAAAA	Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing NESHAP	☒
BBBBBBB	Area Sources: Chemical Preparations Industry NESHAP	☐
CCCCCCC	Area Sources: Paints and Allied Products Manufacturing NESHAP	☐
DDDDDDD	Area Sources: Prepared Feeds Manufacturing NESHAP	☒
EEEEEEE	Gold Mine Ore Processing and Production Area Source Category NESHAP	☐
FFFFFFF	[Reserved]	☐
GGGGGGG	[Reserved]	☐
HHHHHHH	Polyvinyl Chloride and Copolymers Production NESHAP	☒