

April 28, 2004

(A-18J)

G. Vinson Hellwig,
Chief, Air Quality Division
Michigan Department of Environmental Quality
P.O. Box 30473
Lansing, Michigan 48909

Dear Mr. Hellwig:

In May 1996, the Michigan Department of Environmental Quality (MDEQ) and the United States Environmental Protection Agency (EPA) entered into a Memorandum of Agreement (MOA) which set out a procedure to delegate to MDEQ: 1) implementation authority for the 40 C.F.R. part 63, National Emission Standards for Hazardous Air Pollutants (NESHAP) standards as they apply to sources subject to the part 70 operating permit program; and 2) implementation and enforcement authority for those standards which MDEQ adopts by reference. Based on that agreement, EPA delegated implementation authority or implementation and enforcement authority for certain NESHAP standards to Michigan in 1999. The enclosure to this letter updates Michigan's delegation authorities.

If you have any questions or comments on this action, please feel free to contact me.

Sincerely yours,

/s/

Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

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cc: Steven E. Chester, Director
Michigan Department of Environmental Quality

Gerald Avery, Supervisor
Field Section

Delegation Agreement

**DELEGATION TO THE STATE OF MICHIGAN
NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP)
40 C.F.R. PART 63**

HISTORY

On August 12, 1995, the Michigan Department of Environmental Quality (MDEQ) requested delegation of the Clean Air Act National Emissions Standards for Hazardous Air Pollutants program, pursuant to section 112(1) of the Clean Air Act.

In May 1996 MDEQ and the United States Environmental Protection Agency (U.S. EPA) entered into a Memorandum of Agreement (MOA) which set out a procedure to delegate to MDEQ 1) implementation authority¹ for NESHAP standards as they apply to sources subject to the part 70 operating permit program², and 2) implementation and enforcement authority for those standards which MDEQ adopts by reference. For NESHAP standards as applicable to part 70 sources, the MOA provides for delegation by letter to Michigan of authority to implement such NESHAP standards, unless the State

¹ State implementation of a standard involves such activities as notifying potentially affected sources, receiving notification and compliance certification from affected sources, issuing to affected sources new or revised construction and/or operating permits which include the Section 112 standards, and assuring compliance with the standards through enforcement of the 40 C.F.R. part 70 and construction permit requirements for those sources required to obtain permits. U.S. EPA's responsibilities include providing MDEQ with any information it has regarding applicable Michigan sources, blank notification forms, guidances, outreach documents, and any other supporting resources.

² 40 C.F.R. part 70 lists the requirements which states must meet in developing and implementing operating permit programs to comply with Title V of the Clean Air Act. A "part 70 source" is a source which, because of the quantity of its emissions or for other reasons enumerated in section 502(a) of the Act, 42 U.S.C. § 7661a(a), or 40 C.F.R. § 70.3, must apply for and operate in compliance with a part 70 operating permit.

declines delegation within 45 days of the U.S. EPA's promulgation of a standard. The MOA also notes that Michigan can enforce the NESHAP standards against any part 70 source² after the State incorporates the NESHAP requirements into the source's part 70 operating permit or against a source after incorporating the standards into a construction permit. For standards applicable to non-part 70 sources, the MOA states that Michigan will adopt U.S. EPA's standards by reference and will notify U.S. EPA when it has completed the adoption process. For any NESHAP MDEQ incorporates by reference, including standards applicable to part 70 and/or non-part 70 sources, U.S. EPA will then delegate by letter implementation and enforcement authority of these standards to Michigan.

On January 10, 1997 (62 Fed. Reg. 1387), U.S. EPA granted Michigan final interim approval of its Title V operating permits program. In the Federal Register notice, U.S. EPA also promulgated under section 112(1)(5) of the Act, 42 U.S.C. § 7412(1)(5), and 40 C.F.R. § 63.91, a mechanism for delegating to Michigan NESHAPs as applicable to part 70 sources. The details of the delegation mechanism are addressed in the MOU, as previously discussed.

On November 23, 1998 (63 Fed. Reg. 64632), U.S. EPA promulgated a mechanism for delegating to Michigan NESHAPs as applicable to non-part 70 sources³. U.S. EPA also approved a mechanism for delegating the part 63 General Provisions as applicable to both part 70 and non-part 70 sources, to the extent that the General Provisions are not reserved by U.S. EPA and are delegable. The details of the delegation mechanism are also addressed in the MOU. As part of this notice⁴, U.S. EPA also delegated implementation authority for NESHAP standards as applicable to part 70 sources, promulgated as of January 22, 1999 (the effective date of this action). In addition, U.S. EPA delegated

³ Michigan did not request, we did not delegate, and we are not delegating today implementation and enforcement of 1) the Prevention of Accidental Release requirements of Section 112(r) of the Clean Air Act or 2) the radionuclide standards.

⁴ Although the MOA provides for delegation of implementation and delegation of implementation and enforcement via letter, U.S. EPA consolidated certain delegations as described above with the November 23, 1998 Federal Register action approving certain mechanisms for delegation.

both implementation and enforcement authority for two standards that MDEQ had incorporated by reference into the State's rules: 40 C.F.R. part 63 subpart M (dry cleaning - R336.1619) and subpart T (halogenated solvent cleaning - R336.1651). Because subpart M and subpart T apply to part 70 and non-part 70 sources, U.S. EPA's delegation of implementation and enforcement authority for these subparts apply to all sources subject to these standards regardless of whether they are subject to the part 70 operating permit program.

TODAY'S DELEGATIONS

Pursuant to the procedures authorized in the January 10, 1997 and November 23, 1998 Federal Register actions, and detailed in the 1996 MOA, this document delegates to MDEQ the authority to implement NESHAP standards promulgated between January 22, 1999, and April 28, 2004 as applicable to part 70 sources. This document also delegates to MDEQ the authority to implement and enforce 40 C.F.R. part 63 subpart N, the National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, which Michigan has adopted by reference, for both part 70 and non part 70 sources (see R336.1941.). Note that U.S. EPA has not delegated implementation and enforcement authority to Michigan for any standard which MDEQ has not adopted by reference. Please refer to the enclosed table for the delegation status of individual NESHAP standards.

Nothing in this document shall be construed to restrict in any way the authority of Michigan or U.S. EPA to fulfill its responsibilities under state or federal law.

Michigan MACT Delegation Authority Status
04/28/2004

<u>Part 63 MACT Standard</u>	<u>40 CFR 63 Sub- part</u>	<u>Part 70/non- Part 70 Source Status</u>	<u>Delegation Authority</u>	<u>Deleg- ation dates (initial and updates)</u>
General Provisions (includes area as well as major sources)	A	part 70	implementation	01/22/1999 04/28/2004
		non-part 70	none	
Hazardous Organic NESHAP	F, G, H, I	part 70	implementation	01/22/1999 04/28/2004
Polyvinyl Chloride & Copolymers	J	part 70	implementation	04/28/2004
Coke Ovens	L	part 70	implementation	01/22/1999 04/28/2004
Dry Cleaners (includes area as well as major sources)	M	part 70	implementation and enforcement	01/22/1999
		non-part 70	implementation and enforcement	01/22/1999
Chromium Electroplating (includes area as well as major sources)	N	part 70	implementation	01/22/1999 ¹
			implementation and enforcement	04/28/2004
		non-part 70	implementation and enforcement	04/28/2004
Commercial Sterilizers (includes area as well as major sources)	O	part 70	implementation	01/22/1999 04/28/2004
		non-part 70	none	

¹MDEQ's delegation authority to implement the Chromium Electroplating MACT for part 70 sources is replaced by delegation authority to implement and enforce, effective 04/28/2004.

<u>Part 63 MACT Standard</u>	<u>40 CFR 63 Sub- part</u>	<u>Part 70/non- Part 70 Source Status</u>	<u>Delegation Authority</u>	<u>Deleg- ation dates (initial and updates)</u>
Industrial Cooling Towers	Q	part 70	implementation	01/22/1999 04/28/2004
Gasoline Distribution (Stage 1)	R	part 70	implementation	01/22/1999 04/28/2004
Pulp & Paper (non-combust) MACT I & (non-chem) MACT III	S	part 70	implementation	01/22/1999 04/28/2004
Halogenated Solvent Cleaning (includes area as well as major sources)	T	part 70	implementation and enforcement	01/22/1999
		non-part 70	implementation and enforcement	01/22/1999
Polymers & Resins I	U	part 70	implementation	01/22/1999 04/28/2004
Polymers & Resins II	W	part 70	implementation	01/22/1999 04/28/2004
Secondary Lead Smelters (includes area as well as major sources)	X	part 70	implementation	01/22/1999 04/28/2004
		non-part 70 ²	none	
Marine Vessel Loading	Y	part 70	implementation	01/22/1999 04/28/2004
Phosphoric Acid	AA	part 70	implementation	04/28/2004
Phosphate Fertilizers	BB	part 70	implementation	04/28/2004
Petroleum Refineries	CC	part 70	implementation	01/22/1999 04/28/2004
Off-Site Waste Recovery	DD	part 70	implementation	01/22/1999 04/28/2004

²There are currently no known subpart X major or area sources in Michigan.

<u>Part 63 MACT Standard</u>	<u>40 CFR 63 Sub- part</u>	<u>Part 70/non- Part 70 Source Status</u>	<u>Delegation Authority</u>	<u>Deleg- ation dates (initial and updates)</u>
Magnetic Tape	EE	part 70	implementation	01/22/1999 04/28/2004
Aerospace	GG	part 70	implementation	01/22/1999 04/28/2004
Oil & Natural Gas Production	HH	part 70	implementation	04/28/2004
Shipbuilding & Ship Repair	II	part 70	implementation	01/22/1999 04/28/2004
Wood Furniture	JJ	part 70	implementation	01/22/1999 04/28/2004
Printing/Publishing	KK	part 70	implementation	01/22/1999 04/28/2004
Primary Aluminum	LL	part 70	implementation	01/22/1999 04/28/2004
Combustion Sources at Kraft, Soda, & Sulfite Pulp & Paper Mills MACT II	MM	part 70	implementation	04/28/2004
Generic MACT	YY	part 70	implementation	04/28/2004
Steel Pickling-HCL Process	CCC	part 70	implementation	04/28/2004
Mineral Wool	DDD	part 70	implementation	04/28/2004
Hazardous Waste Combustion I (includes area as well as major sources)	EEE	part 70	implementation	04/28/2004
Hazardous Waste Combustion II (may include area as well as major sources)	EEE	part 70	none-not yet promulgated	
Pharmaceutical	GGG	part 70	implementation	01/22/1999 04/28/2004

<u>Part 63 MACT Standard</u>	<u>40 CFR 63 Sub-part</u>	<u>Part 70/non-Part 70 Source Status</u>	<u>Delegation Authority</u>	<u>Delegation dates (initial and updates)</u>
Natural Gas Transmission & Storage	HHH	part 70	implementation	04/28/2004
Flexible Polyurethane Foam	III	part 70	implementation	01/22/1999 04/28/2004
Polymers & Resins IV	JJJ	part 70	implementation	01/22/1999 04/28/2004
Portland Cement (includes area as well as major sources)	LLL	part 70	implementation	04/28/2004
		non-part 70 ³	none	
Pesticide Active Ingredient	MMM	part 70	implementation	04/28/2004
Wool Fiberglass	NNN	part 70	implementation	04/28/2004
Polymers & Resins III	OOO	part 70	implementation	04/28/2004
Polyether Polyols	PPP	part 70	implementation	04/28/2004
Primary Copper	QQQ	part 70	implementation	04/28/2004

³Although subpart LLL requires that area sources subject to this standard obtain part 70 permits, MDEQ has not updated its part 70 applicability regulations, 336.1211, to include these area sources. Therefore, Michigan's delegation authority to implement subpart LLL currently does not apply to area sources.

<u>Part 63 MACT Standard</u>	<u>40 CFR 63 Sub-part</u>	<u>Part 70/non-Part 70 Source Status</u>	<u>Delegation Authority</u>	<u>Delegation dates (initial and updates)</u>
Secondary Aluminum (includes area as well as major sources)	RRR	part 70	implementation	04/28/2004
		non-part 70	none	
Primary Lead Smelting	TTT	part 70	implementation	04/28/2004
Petroleum Refineries	UUU	part 70	implementation	04/28/2004
Publicly Owned Treatment Works (POTW)	VVV	part 70	implementation	04/28/2004
Ferroalloys	XXX	part 70	implementation	04/28/2004
Municipal Solid Waste Landfills (includes certain area as well as major sources)	AAAA	part 70	implementation	04/28/2004
Nutritional Yeast	CCCC	part 70	implementation	04/28/2004
Plywood & Composite Wood	DDDD	part 70	none-not yet promulgated ⁴	
Organic Liquid Distribution (OLD)	EEEE	part 70	implementation	04/28/2004
Misc. Organic Chemical (MON)	FFFF	part 70	implementation	04/28/2004

⁴Although subpart DDDD was signed before 04/28/2004, it had not yet been published in the Federal Register.

<u>Part 63 MACT Standard</u>	<u>40 CFR 63 Sub- part</u>	<u>Part 70/non- Part 70 Source Status</u>	<u>Delegation Authority</u>	<u>Deleg- ation dates (initial and updates)</u>
Vegetable Oil Production	GGGG	part 70	implementation	04/28/2004
Wet Formed Fiberglass Mat	HHHH	part 70	implementation	04/28/2004
Auto & Light Duty Truck	IIII	part 70	implementation	04/28/2004
Paper & Other Web (Surface Coating)	JJJJ	part 70	implementation	04/28/2004
Metal Can (Surface Coating)	KKKK	part 70	implementation	04/28/2004
Miscellaneous Metal Parts & Products (Surface Coating)	MMMM	part 70	implementation	04/28/2004
Large Appliances	NNNN	part 70	implementation	04/28/2004
Fabric Printing, Coating & Dyeing	OOOO	part 70	implementation	04/28/2004
Plastic Parts & Products	PPPP	part 70	implementation	04/28/2004
Wood Building Products	QQQQ	part 70	implementation	04/28/2004
Metal Furniture	RRRR	part 70	implementation	04/28/2004
Metal Coil	SSSS	part 70	implementation	04/28/2004
Leather Finishing	TTTT	part 70	implementation	04/28/2004
Cellulose	UUUU	part 70	implementation	04/28/2004
Boat Manufacturing	VVVV	part 70	implementation	04/28/2004

<u>Part 63 MACT Standard</u>	<u>40 CFR 63 Sub- part</u>	<u>Part 70/non- Part 70 Source Status</u>	<u>Delegation Authority</u>	<u>Deleg- ation dates (initial and updates)</u>
Reinforced Plastic Composites	WWWW	part 70	implementation	04/28/2004
Rubber Tire	XXXX	part 70	implementation	04/28/2004
Combustion Turbines	YYYY	part 70	implementation	04/28/2004
Reciprocating Internal Combustion Engines (RICE)	ZZZZ	part 70	none-not yet promulgated ⁵	
Lime Manufacturing	AAAAA	part 70	implementation	04/28/2004
Semiconductor Manufacturing	BBBBB	part 70	implementation	04/28/2004
Coke Oven Pushing, Quenching, Stacks	CCCCC	part 70	implementation	04/28/2004
Industrial, Commercial, & Institutional Boilers & Process Heaters	DDDDD	part 70	none-not yet promulgated ⁶	
Iron & Steel Foundries	EEEEEE	part 70	implementation	04/28/2004
Integrated Iron & Steel	FFFFFF	part 70	implementation	04/28/2004
Site Remediation	GGGGG	part 70	implementation	04/28/2004
Miscellaneous Coating	HHHHH	part 70	implementation	04/28/2004

⁵Although subpart ZZZZ was signed before 04/28/2004, it had not yet been published in the Federal Register.

⁶Although subpart DDDDD was signed before 04/28/2004, it had not yet been published in the Federal Register.

<u>Part 63 MACT Standard</u>	<u>40 CFR 63 Sub- part</u>	<u>Part 70/non- Part 70 Source Status</u>	<u>Delegation Authority</u>	<u>Deleg- ation dates (initial and updates)</u>
Mercury Cell Chlor- Alkali Plants (includes area as well as major sources)	IIIII	part 70	implementation	04/28/2004
		non-part 70 ⁷	none	
Brick & Structural Clay Products	JJJJJ	part 70	implementation	04/28/2004
Clay Ceramics	KKKKK	part 70	implementation	04/28/2004
Asphalt Roofing & Processing	LLLLL	part 70	implementation	04/28/2004
Flexible Polyurethane Foam Fabrication	MMMMM	part 70	implementation	04/28/2004
Hydrochloric Acid	NNNNN	part 70	implementation	04/28/2004
Engine Test Cells/Stands	PPPPP	part 70	implementation	04/28/2004
Friction Materials Manufacturing	QQQQQ	part 70	implementation	04/28/2004
Taconite Iron Ore Processing	RRRRR	part 70	implementation	04/28/2004
Refractory Products	SSSSS	part 70	implementation	04/28/2004
Primary Magnesium Refining	TTTTT	part 70	implementation	04/28/2004

⁷Although subpart IIIII requires that area sources subject to this standard obtain part 70 permits, MDEQ has not updated its part 70 applicability regulations, 336.1211, to include these area sources. Therefore, Michigan's delegation authority to implement subpart IIIII currently does not apply to area sources. There are currently no known subpart IIIII major or area sources in Michigan.

<u>Part 63 MACT Standard</u>	<u>40 CFR 63 Sub- part</u>	<u>Part 70/non- Part 70 Source Status</u>	<u>Delegation Authority</u>	<u>Deleg- ation dates (initial and updates)</u>
Electric Utility Steam Generators	UUUUU	part 70	none-not yet promulgated	