



State of Illinois  
ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

March 21, 1995

David Kee, Director  
Air and Radiation Division  
USEPA-Region V  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Dear Mr. Kee:

The purpose of this letter is to request full delegation and implementation of Section 112 toxics Standards, including the Part 63 general provisions, promulgated by USEPA pursuant to the CAA of 1990. IEPA has legislative authority to implement Section 112. USEPA will grant Illinois the authority to implement and enforce standards that are unchanged from federal standards through the letter of response to this request.

When USEPA promulgates a Section 112 standard, that promulgated standard is officially delegated to Illinois. Upon promulgation, the State of Illinois will receive the authority and assume responsibility for notification, recordkeeping, reporting, general program implementation, and enforcement. IEPA expects to ramp-up its implementation activities as increased resources from 105 grant and or Title V fees become available. IEPA is already engaged in this activity and intends to enhance its program in future years. However, due to the considerable controversy regarding the implementation of Section 112(r), IEPA will not, at this time, consider the non-title V sources for implementation of Section 112(r) until such time that the problems can be addressed and the solutions determined.

Upon promulgation of a MACT standard, IEPA will notify potentially affected sources regarding the basic requirements of the MACT standard. The sources will be advised that all notifications and reporting requirements must be sent to IEPA. IEPA will assume responsibility as the primary point of contact with the sources for all administrative and technical issues as necessary. Also, IEPA will involve the Small Business Assistance program as necessary and appropriate.

A variety of information will be generated with each promulgated MACT standard. There will be information regarding source identification, reporting and recordkeeping, technology used, initial performance tests, monitoring, inspections, and compliance as required by the promulgated MACT regulations. IEPA will use a tracking system to manage this information.

USEPA/Region V and IEPA agree to share relevant information with each other. IEPA will also continue to develop other means for CAAPP permit document management and access by Region V as needed.

IEPA will take the lead and notify sources that required information, such as reporting requirements and pretest notifications, must be submitted to IEPA. Likewise, Region V will furnish to IEPA any information, such as a list of effected sources not readily available to IEPA. Successful information management will be dependent on the mutual sharing of information.

Regulatory applicability determinations will be the prime responsibility of IEPA. USEPA/Region V will provide applicability assistance in a timely manner when requested by IEPA.

IEPA will have the primary responsibility to conduct inspections of effected sources. Appropriate reports for the inspections conducted will be available to Region V upon request.

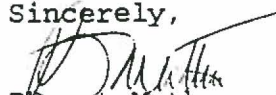
IEPA will coordinate the scheduling of required test observations. Region V will be notified when a test is scheduled. IEPA will observe the test if necessary. If IEPA observes the test, an observer's report will be written and IEPA will review the test report. If the test is incomplete and requires a retest, or identifies a violation, IEPA will initiate appropriate enforcement response.

Finally, IEPA will enforce the MACT standards as they are promulgated and keep Region V apprised upon request.

IEPA will assume that the above commitments are satisfactory to USEPA/REGION V if not responded to within five working days.

If you have any question regarding IEPA's position on the these commitments, please contact Hank Naour or myself at 217/785-4140.

Sincerely,

  
Bharat Mathur, Chief  
Bureau of Air

BM:HGN

cc:  
Stephen Rothblatt  
Gary Gulezian  
Bruce Varner  
Jennifer Buzecky