



State of Illinois  
**ENVIRONMENTAL PROTECTION AGENCY**

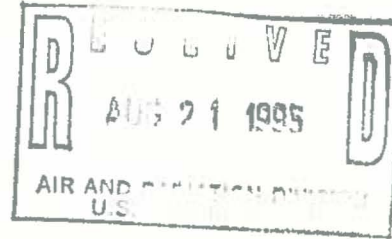
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Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

217/785-4140

August 17, 1995



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

Dear Mr. Kee:

This letter supplements the Illinois Environmental Protection Agency's ("IEPA") March 21, 1995 letter to the United States Environmental Protection Agency ("USEPA") requesting delegation of Section 112 of the Clean Air Act ("CAA"), (42 U.S.C. 7412), and the National Emission Standards for Hazardous Air Pollutants ("NESHAP") promulgated thereunder (40 C.F.R. Parts 61 and 63). Specifically, the IEPA expands its request for delegation to include Section 112, and all NESHAP standards and requirements, with the exception of those for radionuclides, for non-Part 70 sources (40 C.F.R. Part 70). Incorporated by reference are the relevant elements of Illinois' Title V Operating Permit Program, under 42 U.S.C. 7661.

As previously demonstrated, the IEPA can successfully implement Section 112 and the NESHAP standards and requirements. Further, the IEPA received delegation of such, with respect to Part 70 sources, pursuant to the USEPA's final interim approval of Illinois' Title V Program. More importantly, the Illinois program does not differentiate between Part 70 and non-Part 70 sources, with regard to Section 112 and the regulations promulgated thereunder, and, as with Part 70 sources, should form the basis for the USEPA's delegation of Section 112 standards and requirements for non-Part 70 sources.

The criteria that must be established for approval of a program for delegation of Section 112 standards and requirements, as promulgated by the USEPA, include, among other things, adequate authority, adequate resources for implementation, and an adequate plan for expeditious source compliance. To further the IEPA's expanded request for delegation, these criteria are briefly discussed below.

#### ADEQUATE AUTHORITY

The Illinois Environmental Protection Act ("Act") authorizes the IEPA to issue operating permits to Part 70 and non-Part 70 sources of regulated pollutants, including Section 112 pollutants, within Illinois. (415 ILCS 5/1 et seq.) The Act further provides the IEPA with authority to implement and enforce each Section 112 regulation, emission standard or requirement, regardless of whether a source is a Part 70 or a non-Part 70 source. The IEPA has the authority to perform inspections, request compliance information, and incorporate inspection and entry, and monitoring, recording and recordkeeping requirements into permits. The IEPA also has the authority to bring civil and criminal enforcement actions and to recover penalties and fines.

#### ADEQUATE RESOURCES

The IEPA submitted a fee demonstration and organizational structure in Sections G1 and G2 of the November 15, 1993, Title V Program submittal. These program cost estimates cover the period FY93 through FY98. The submittal demonstrates that Illinois has adequate legal resources to implement and enforce Section 112 with respect to Part 70 sources. Implementation and enforcement of Section 112 standards for non-Part 70 sources would be supported by Section 105 (42 U.S.C. 4205) grant resources because these sources would be part of the state's operating permit program. The same organizational structure would be used to address Part 70 and non-Part 70 sources.

#### IMPLEMENTATION SCHEDULE

The IEPA has been timely and assertive in implementing standards specified by Part 63 since September 22, 1993, when the first standard was promulgated for perchloroethylene emissions from dry cleaning facilities. The IEPA intends to enhance its program efforts and to intensify its implementation activities as increased resources become available through Section 105 grants and Title V fees. A working relationship has been established with the USEPA, in this regard, and would continue under the requested Section 112 delegation.

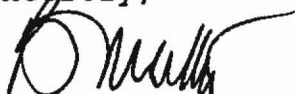
As a result of existing controversy regarding the implementation of Section 112(r), the IEPA will not, at this time, consider non-Part 70 sources in implementing the section until such time that all problematical issues can be resolved.

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Accordingly, the IEPA respectfully requests delegation of Section 112 and Parts 61 and 63. In this regard, the IEPA requests acknowledgement of the receipt of this letter and a written response to the request at the earliest convenience.

Should you have any comments or questions regarding this matter, please contact Hank Naour or myself at 217/785-4140.

Sincerely,



Bharat Mathur, Chief  
Bureau of Air

BM:ma

cc: Stephen Rothblatt  
Gary Gulezian  
Bruce Varner  
Jennifer Buzecky