

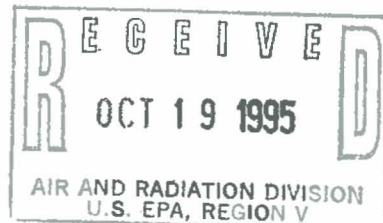
STATE OF MICHIGAN



JOHN ENGLER, Governor
DEPARTMENT OF ENVIRONMENTAL QUALITY
HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973
RUSSELL J. HARDING, Director

PGS
ASFP

October 12, 1995



Mr. David Kee, Director
Air Toxics and Radiation Branch
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Dear Mr. Kee:

The purpose of this letter is to request full delegation to implement the Part 63 Standards of Title 40 of the Code of Federal Regulations (CFR) Section 112(d) National Emission Standards for Hazardous Air Pollutants (NESHAPS); Section 112(f) Standards to Protect Health and the Environment; and Section 112(h) Work Practice Standards, as promulgated by the United States Environmental Protection Agency (USEPA) pursuant to the Clean Air Act (CAA) of 1990.

The delegation will be accomplished through the implementation of the Michigan Department of Environmental Quality, Air Quality Division's (MDEQ AQD's) Renewable Operating Permit Program Submittal pursuant to Title V of the CAA, (hereinafter known as "MDEQ AQD's Title V submittal") that was submitted to USEPA on May 15, 1995. For those affected non-part 70 sources which may be exempted by USEPA (i.e., area sources), delegation of authority will be carried out via our new source review permitting, compliance inspection and enforcement programs in a manner similar to how we implemented the Part 61 standards. Michigan will assume responsibility for notification, recordkeeping, reporting, general program implementation and enforcement of all promulgated Title III Section 112 standards, with the exception of 112(r), the accidental release program, and radionuclide emissions. Concerning 112(r), Michigan does not have the resources to adequately implement this program.

Adequate Legal Authority

The first required element is a written finding by the State Attorney General that MDEQ AQD has the necessary authority to enforce the 112(d) standards. The State of Michigan Attorney General's CAA Title V Operating Permit Program Certification and Opinion was submitted with MDEQ AQD's Title V submittal. Your office has already reviewed this submittal and has informed us that it fulfills the Section 112(l) requirements.

Adequate Resources

Michigan submitted a fee demonstration and organization structure in its May 15, 1995 Part 70 program submittal. We believe that this demonstrates that the State has adequate resources to implement and enforce 112 MACT standards with respect to Part 70 sources. The same organizational structure will be used to address the NESHAP requirements for non-major sources as well and, therefore, should constitute an adequate demonstration. In terms of the resource demonstration for non-major sources, Michigan has already demonstrated adequate resource through our ongoing compliance inspection and enforcement programs and our ongoing efforts to implement 112 standards as demonstrated by MDEQ AQD staff and staff from MDEQ Environmental Assistance Division's Clean Air Assistance Program to notify and educate sources impacted by these regulations. Brochures and fact sheets have been developed for the drycleaning and chromium electroplating industries as well as facilities impacted by the degreaser standard. AQD has also demonstrated their plan to implement the Hazardous Organic NESHAP (HON) program as outlined in the letter we sent to Mr. Gary Gulezian, Air Toxics and Radiation Branch Chief, USEPA, dated December 6, 1994.

State Implementation Schedule

The April 1, 1995 letter to David Kee, Region V Director of the Air and Radiation Division, committed to requesting full delegation and implementation of Section 112(d) standards as promulgated by USEPA pursuant to the CAA of 1990. As stated in the letter from Gary Gulezian, dated June 9, 1995, "Michigan has been proactive in implementing several new standards by engaging in outreach to sources subject to the dry cleaner, degreaser, and chromium electroplating NESHAP." This letter also allowed MDEQ to act as USEPA's agent in implementing a NESHAP before the state receives full delegation of the standard. The letter demonstrates the working relationship already established by MDEQ and USEPA in this regard and MDEQ AQD will continue to be proactive in implementing the standards under the Section 112(l) delegation both now and in the future.

Compliance and Enforcement Demonstration

MDEQ AQD's Title V submittal, Section 1.6.2 "Implementation of Section 112 - Hazardous Air Pollutants" outlines Michigan's authority for implementing the requirements under Section 112. It states that, "Section 5503(b) of Part 55, Natural Resource and Environmental Protection Act (NREPA), provides authority to the Department to issue permits for the construction and the operation of sources, processes, and process equipment, subject to enforceable limitations and standards and other

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conditions reasonably necessary to assure compliance with all applicable requirements of NREPA and the CAA." The definition for the "clean air act" in Section 2(g) of Part 55, NREPA, includes 42 USC 7412, which includes the Section 112 requirements. This means that Michigan can incorporate into a renewable operating permit any applicable requirement for Hazardous Air Pollutants pursuant to Section 112.

Michigan has been proactive in achieving source compliance by assigning "Source Experts" for each MACT standard promulgated. These identified experts are responsible for identifying a list of affected sources, drafting "source expert papers", coordinate notification and reporting requirements and develop education and outreach tools to facilitate technical assistance working with MDEQ's Environmental Assistance Division. Additionally, Michigan's permit and enforcement tracking system is described in MDEQ AQD's Title V submittal under Section 3.1 and 3.2, respectively.

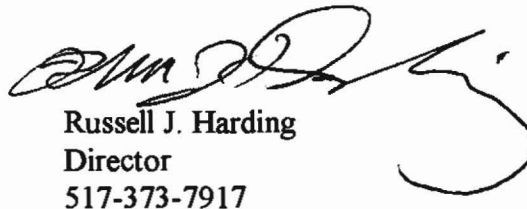
This delegation will grant MDEQ AQD the authority to implement and enforce the 112(d) standards that are unchanged from the final USEPA rule.

New Source Review Permitting Program

We are also requesting that you approve under Section 112(l) the Michigan New Source Review Permitting Program to allow sources to limit their "potential to emit" of hazardous air pollutants below applicability levels and thus avoid being subject to the major source requirements of Part 63 or Title V programs.

If you have any questions regarding MDEQ AQD's plans for requesting full delegation of authority to implement the 112 standards as outlined above, please call Mr. Jerry Avery of my staff at 517-322-5095.

Sincerely,



Russell J. Harding
Director
517-373-7917

cc: Ms. Rhonda Ross, Wayne County
Mr. Dennis Drake, MDEQ
Mr. Jerry Avery, MDEQ