

**AIR AND RADIATION DIVISION/ATAB CONCURRENCE SHEET**

**SUBJECT:** 112 Delegation Approval letter to MN

**EMAILED A COPY TO ANGELINE OR BACK-UP**  YES  NO

**USED TEMPLATE FROM SHAREPOINT**  YES  NO

**THIS DOCUMENT CONTAINS CONFIDENTIAL BUSINESS INFORMATION**  YES  NO

**CONTROL NUMBER (if applicable):** \_\_\_\_\_

|                           | Name                  | Initials   | Date           |
|---------------------------|-----------------------|------------|----------------|
| Typist                    | ( _____ )             | _____      | _____          |
| Originator                | ( <u>R. Trine</u> )   | <u>RT</u>  | <u>1/30/18</u> |
| Reviewer                  | ( _____ )             | _____      | _____          |
| Reviewer                  | ( _____ )             | _____      | _____          |
| Section Chief             | ( <u>AL</u> )         | <u>SAC</u> | <u>1/30/18</u> |
| ATAB Administrative Staff | ( <u>A. Dunning</u> ) | <u>AD</u>  | <u>1/30/18</u> |
| Branch Chief              | ( <u>K. Siegel</u> )  | <u>KS</u>  | <u>2/6/18</u>  |
| Division APA              | ( _____ )             | _____      | _____          |
| Deputy Director           | ( <u>E. Furey</u> )   | _____      | _____          |
| Division Director         | ( <u>E. Nam</u> )     | <u>EN</u>  | <u>2/7/18</u>  |

*ftt for AD  
2/6/18*

**IF CONCURRENT SIGNOFF IS NECESSARY, PLEASE INDICATE NAME OF APPROPRIATE DIVISION(S)**

**NAME OF DIVISION** **ORC**

(2) Assigned Staff Person William Wagner (~~William Wagner~~) \_\_\_\_\_

Division Director Sarah Stillman (~~Sarah Stillman~~) \_\_\_\_\_

Other ( \_\_\_\_\_ ) \_\_\_\_\_

**NAME OF DIVISION**

Assigned Staff Person ( \_\_\_\_\_ ) \_\_\_\_\_

Division Director ( \_\_\_\_\_ ) \_\_\_\_\_

Other ( \_\_\_\_\_ ) \_\_\_\_\_

**OFFICE OF THE REGIONAL ADMINISTRATOR**

Acting, Regional Administrator ( \_\_\_\_\_ ) \_\_\_\_\_

Acting, Deputy Regional Admin. ( \_\_\_\_\_ ) \_\_\_\_\_

Other ( \_\_\_\_\_ ) \_\_\_\_\_

The originator and first level supervisor are responsible for assuring that documents are in plain language. All other reviewers should consider plain language in their reviews. For more information, see the plain language checklist on the reverse side of this sheet.

**COMMENTS:** \_\_\_\_\_

\_\_\_\_\_

**RETURN TO:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FEB 08 2018

REPLY TO THE ATTENTION OF:

Jeff J. Smith  
Division Director  
Industrial Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North, 5<sup>th</sup> Floor  
St. Paul, Minnesota 55155-4194

RE: Approval of Delegation of National Emission Standards for Hazardous Air  
Pollutants for Source Categories

Dear Mr. Smith:

Pursuant to the Memorandum of Agreement (MOA) between the Minnesota Pollution Control Agency (MPCA) and the U.S. Environmental Protection Agency, that was signed on February 15, 2005, EPA hereby delegates to MPCA the authority to implement and enforce the National Emission Standards for Hazardous Air Pollutants (NESHAPs) established under Section 112 of the Clean Air Act and codified in Title 40 of the Code of Federal Regulations (C.F.R.), Part 63, for the following Source Categories:

National Emission Standards for Hazardous Air Pollutants for Surface Coating of  
Automobiles and Light-Duty Trucks – 40 C.F.R. Part 63, Subpart IIII;

National Emission Standards for Hazardous Air Pollutants for Major Sources for  
Industrial, Commercial, and Institutional Boilers and Process Heaters –  
40 C.F.R. Part 63, Subpart DDDDD;

National Emission Standards for Hazardous Air Pollutants for Mercury Emissions from  
Mercury Cell Chlor-Alkali Plants – 40 C.F.R. Part 63, Subpart IIIII; and

National Emission Standards for Hazardous Air Pollutants for Coal and Oil-Fired Electric  
Utility Steam Generating Units – 40 C.F.R. Part 63, Subpart UUUUU.

By letter dated June 23, 2017 to EPA, MPCA provided proof of incorporation by reference of the NESHAPs referenced above into the state air quality regulations, as required by item III.A.3 of the MOA. MPCA codified the incorporations by reference of these NESHAPs in the Minnesota Administrative Rules at MINN. R. 7011.8140, 7011.7050, 7011.8080, and 7011.0563, respectfully. Item III.B.3 of the MOA requires EPA to respond to MPCA's written announcement of completing its rulemaking to incorporate NESHAPs by reference with a letter delegating enforcement authority of these standards.

MPCA has accepted the implementation authority for the above-referenced NESHAPs and incorporated these NESHAPs into the state air quality regulations. Thus, the authority to implement and enforce these NESHAPs is delegated to MPCA.

If you have any questions concerning this matter, please contact Rae Trine, of my staff, at 312-353-9228.

Sincerely,



Edward Nam  
Director  
Air and Radiation Division

cc: William Wagner, ORC  
Sarah Stillman, ORC