



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Mr. Bret Banks
Executive Director
Antelope Valley Air Quality Management District
43301 Division St., Suite 206
Lancaster, California 93535-4649

Dear Mr. Banks:

I am writing in response to the Antelope Valley Air Quality Management District's (District) November 3, 2020 request for delegation of Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) pursuant to the Code of Federal Regulations, Title 40 (40 CFR), Parts 60, 61 and 63. In response to your request, the U.S. Environmental Protection Agency, Region IX, (EPA) hereby grants to the District formal delegation to implement and enforce all amendments, as of September 15, 2020, to the Part 60, 61 and 63 standards previously delegated to the District. Additionally, the U.S. Environmental Protection Agency, Region IX, (EPA) hereby grants to the District formal delegation to implement and enforce the following NSPS and NESHAP in the Federal Register.

- **40 CFR Part 60, Subpart Ba**– Adoption and Submittal of State Plans for Designated Facilities (Commencing with 40 CFR 60.20a).
- **40 CFR Part 60, Subpart Cf**– Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills (Commencing with 40 CFR 60.30f).
- **40 CFR Part 60, Subpart Da**–Standards of Performance for Electric Utility Steam Generating Units (Commencing with 40 CFR 60.40a).
- **40 CFR Part 60, Subpart Ec**– Standards of Performance for Hospital/Medical/Infectious Waste Incinerators (Commencing with 40 CFR 60.50c).
- **40 CFR Part 60, Subpart Ga**–Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced after October 14, 2011 (Commencing with 40 CFR 60.70a).
- **40 CFR Part 60, Subpart BBa**–Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced after May 23, 2013 (Commencing with 40 CFR 60.280a).
- **40 CFR Part 60, Subpart KKK**–Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for which Construction, Reconstruction, or Modification Commenced after January 20, 1984, and on or

before August 23, 2011 (Commencing with 40 CFR 60.630).

- **40 CFR Part 60, Subpart LLL**—Standards of Performance for SO₂ Emissions from Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced after January 20, 1984, and on or before August 23, 2011 (Commencing with 40 CFR 60.640).
- **40 CFR Part 60, Subpart XXX**— Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification after July 17, 2014 (Commencing with 40 CFR 60.760).
- **40 CFR Part 60, Subpart WWW**— Standards of Performance for Municipal Solid Waste Landfills.
- **40 CFR Part 60, Subpart CCCC**— Standards of Performance for Commercial and Industrial Solid Waste Incineration Units (Commencing with 40 CFR 60.2000).
- **40 CFR Part 60, Subpart DDDD**— 40 CFR 60, Subpart DDDD - Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units (Commencing with 40 CFR 60.2500).
- **40 CFR Part 60, Subpart LLLL**—40 CFR 60, Subpart LLLL - Standards of Performance for New Sewage Sludge Incineration Units (Commencing with 40 CFR 60.4760).
- **40 CFR Part 60, Subpart MMMM**—40 CFR 60, Subpart MMMM - Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units (Commencing with 40 CFR 60.5000).
- **40 CFR Part 60, Subpart OOOO**—40 CFR 60, Subpart OOOO - Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for Which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015 (Commencing with 40 CFR 60.4360).
- **40 CFR Part 60, Subpart OOOOa**—Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced after September 18, 2015 (Commencing with 40 CFR 60.5360a).
- **40 CFR Part 60, Subpart TTTT**— Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units (Commencing with 40 CFR 60.5508).
- **40 CFR Part 60, Subpart UUUUa**—Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Commencing with 40 CFR 60.5700a).

Additionally, this letter withdraws authority to implement the following since there are no such facilities of this type in the District.

- **40 CFR Part 60, Subpart HHHH**– Emission Guidelines and Compliance Times for Coal-Fired Electric Steam Generating Units (Commencing with 40 CFR 60.4101).

As set forth in our action entitled “Delegation of New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants for Guam and the States of Arizona, California, Hawaii, and Nevada (67 FR 20652, April 26, 2002), the following provisions are not delegated under 40 CFR Parts 60 and 61 Subpart A.

- Provisions that address the EPA's authority to delegate to states are not being delegated because it is inappropriate to imply that states have authority to delegate to themselves. This includes 40 CFR 60.4(b), and 61.04(c); part 60, subpart B; and part 60 subpart C.
- Provisions that grant the EPA's discretion to approve modifications to test methods or protocols are not being delegated in order to ensure uniformity and technical quality in enforcement of national standards. This includes 40 CFR 60.8(b); 60.11(b); 60.13(a),(d)(2), and (g); and 60.13(i); (61.13(h)(1)(ii); and 61.14(d) and (g)(1)(ii).
- Provisions that require rulemaking cannot be delegated because states cannot perform federal rulemaking. This includes 40 CFR 60.11(e) and 61.12(d).
- Provisions that address the EPA's obligation to make certain information available to the public do not apply to states under federal law and are not appropriate for delegation. This includes 40 CFR 60.9 and 61.16.

This delegation also does not include the following:

- 40 CFR 60, NSPS Subparts B, C, Cb, Cc, Cd, Ce, BBBB, DDDD, FFFF, which address Emission Guidelines and Compliance Times and thus are not delegated under Clean Air Act Section 111(c). To the extent that there are sources within the District that would be subject to these Subparts, the District should be developing regulations for submission to the EPA as a Plan under 40 CFR Part 60, Subpart B.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Parts 60, 61 and 63, including use of the EPA's test methods and procedures. As of the effective date of this delegation, the District will have primary authority to enforce the above cited standards. The EPA will retain independent enforcement authority and will exercise such authority in a manner consistent with the EPA's "Timely and Appropriate Enforcement Response to Significant Air Pollution Violators Guidance," and any revisions thereto, and our enforcement agreement. All notifications and reports required of sources by the above standards should be sent to you. The EPA reserves the right to evaluate the appropriateness of sending the notice only to your agency based on experience or in the event of programmatic changes or on a source category basis. This delegation is effective upon the date of this letter unless the EPA receives written notice from you of any objections within 10 days of receipt of this letter. The EPA will publish a future Federal Register notice to codify this delegation into the Code of Federal Regulations. This delegation is in accordance with the November 1, 1999 Memorandum of Agreement (MOA) between the District and the EPA regarding the delegation of NESHAP.

We appreciate the District's efforts to implement the federal NSPS and NESHAP programs and hope to continue working with you to reduce emissions in Antelope Valley. If you have any questions about this delegation, please call me at (415) 317-3744 or have your staff contact Jeffrey Buss at (415) 947-4152.

Sincerely,

Matthew J. Lakin
Acting Director, Air and Radiation Division

cc: May Mamari