

**U. S. EPA - Santa Barbara County APCD Agreement
for Delegation of Authority for
Outer Continental Shelf Air Regulations (40 CFR Part 55)**

The undersigned, on behalf of the Santa Barbara County Air Pollution Control District ("SBCAPCD" or "the District") and the United States Environmental Protection Agency ("EPA"), hereby agree to the delegation of authority from EPA to SBCAPCD to implement and enforce the requirements of the Outer Continental Shelf Air Regulations ("OCS") (40 CFR Part 55) within 25 miles of the state's seaward boundary, pursuant to section 328 (a) (3) of the Clean Air Act ("the Act"), subject to the terms and conditions below. EPA has reviewed SBCAPCD's request for delegation and has found that SBCAPCD's regulations meet the requirements for delegation set forth at 40 CFR § 55.11.

This delegation includes authority for the following sections of the Outer Continental Shelf Air Regulations:

<u>Section</u>	<u>Title</u>
55.1	Statutory authority and scope
55.2	Definitions
55.3	Applicability
55.4	Requirements to submit a notice of intent
55.6	Permit requirements
55.7	Exemptions
55.8	Monitoring, reporting, inspections, and compliance
55.9	Enforcement
55.10	Fees
55.13	Federal requirements that apply to OCS sources
55.14	Requirements that apply to OCS sources located within 25 miles of states' seaward boundaries by state.

EPA is not delegating the authority to implement and enforce sections 55.5 (Corresponding onshore area designation), 55.11 (Delegation), and 55.12 (Consistency updates), as authority for these sections is reserved to the Administrator.

Under section 328 (a) (3) of the Act, EPA may delegate authority to implement and enforce the OCS air regulations to a state if that state is adjacent to an OCS source and the Administrator determines that the state's regulations are adequate. The State of California is adjacent to a number of OCS sources. For the OCS sources for which Santa Barbara County has been designated the corresponding onshore area (COA), the State has submitted SBCAPCD's regulations to EPA and requested that EPA delegate authority to SBCAPCD to implement and enforce the OCS air regulations. SBCAPCD's regulations have been reviewed by EPA and determined to be adequate for implementing and enforcing the delegable sections of 40 CFR Part 55.

The OCS air regulations set forth the following criteria for delegation at 40 CFR § 55.11:

1) **The state has adopted the appropriate portions of 40 CFR Part 55 into state law - SBCAPCD adopted Rule 903, Outer Continental Shelf Air Regulations, on November 10, 1992. This rule incorporates the provisions of 40 CFR Part 55 that EPA is delegating to the District.**

2) **The state has adequate authority under state law to implement and enforce the requirements of part 55 - According to a letter dated January 25, 1993 and forwarded to EPA from the State Attorney General, SBCAPCD has the authority to implement and enforce the requirements of part 55.**

3) **The state has adequate resources to implement and enforce the requirements of part 55** - SBCAPCD has submitted information documenting that the District has adequate resources to implement and enforce the requirements of part 55.

4) **The state has adequate administrative procedures to implement and enforce the requirements of this part, including public notice and comment procedures** - SBCAPCD's administrative procedures have been reviewed by EPA and found to be adequate. The following rules were submitted by SBCAPCD for review to meet this requirement:

Rule 101	Compliance By Existing Installations (Adopted 6/81)
Rule 208	Action on Applications - Time Limits (Adopted 10/18/71)
Rule 209	Appeals (Adopted 10/23/78)
Rule 210	Fees (Adopted 5/5/91)
Rule 501	Hearing Boards - General (Adopted 10/23/78)
Rule 502	Hearing Boards - Filing (Adopted 10/23/78)
Rule 503	Hearing Boards - Contents of Filing (Adopted 10/23/78)
Rule 505	Breakdown Conditions (Adopted 10/23/78)
Rule 507	Appeal From Denial (Adopted 10/23/78)
Rule 508	Failure to Comply with Rules (Adopted 10/23/78)
Rule 601	Emergencies - General (Adopted 6/15/81)
Rule 602	Episodes/Disasters (Adopted 6/15/81)
Rule 604	Source Inspection (Adopted 6/15/81)
Rule 605	Enforcement (Adopted 6/15/81)
Rule 901	New Source Performance Standards (Adopted 4/21/92)
Rule 1001	National Emission Standards for Hazardous Air Pollutants (Adopted 5/14/91)
Rule 1101	Public Notification - General (Adopted 9/15/80)
Rule 1102	Daily Reporting of Air Quality (Adopted 9/15/80)
Rule 1103	Annual Reporting (Adopted 9/15/80)
Rule 1104	Health Effects (Adopted 9/15/80)
Rule 1105	Public Awareness and Involvement (Adopted 9/15/80)

Santa Barbara also submitted the following two (2) administrative rules:

Rule 504	Petitions for Variances: Contents (Adopted 10/23/78)
Rule 506	Emergency Variances (Adopted 10/23/78)

The District may use any administrative procedures it has under State law to implement and enforce the requirements of part 55, such as a variance. However, as stated in the preamble to part 55, as onshore, a variance will not shield a source from enforcement action by EPA.

Permits

Pursuant to § 55.6:

(1) SBCAPCD will require that the Applicant send a copy of any permit application required by 40 CFR § 55.6 to the Administrator through the EPA Regional Office (Attn: A-5-1) at the same time as the application is submitted to SBCAPCD.

(2) SBCAPCD shall send a copy of any public comment notice required under sections 55.6, 55.13 or 55.14 to the Administrator through the EPA Regional Office (Attn: A-5-1) and the Minerals Management Service.

(3) SBCAPCD shall send a copy of any preliminary determination and any final permit action required under sections 55.6, 55.13, or 55.14 to the Administrator through the EPA Regional Office (Attn: A-5-1) at the time of the determination and shall make available to the Administrator any materials used in making the determination.

(4) SBCAPCD shall provide written notice of any permit application from a source, the emissions from which may affect a Class I area, to the Federal Land Manager of that area.

(5) The District shall request EPA guidance on any matter involving the interpretation of section 328 of the Act or the delegated sections of the Outer

Continental Shelf Air Regulations or 40 CFR Part 55 to the extent that implementation, review, administration or enforcement of these provisions has not been covered by EPA determinations or guidance sent or communicated to the District.

(6) Pursuant to its authority under the Clean Air Act, EPA may review permits issued by the District under this agreement to ensure that the District's implementation of Rule 903 is consistent with the time frames and requirements of the federal regulations.

Exemptions

Pursuant to § 55.7:

(1) SBCAPCD shall transmit to the Administrator (through the Regional Office), the Minerals Management Service, and the U.S. Coast Guard, a copy of any permit application that includes an exemption request, or the request for exemption if no permit is required, within 5 days of its receipt.

(2) SBCAPCD shall consult with the Minerals Management Service of the U.S. Department of the Interior and the U.S. Coast Guard to determine whether the exemption under § 55.6(a)(2) will be granted or denied.

(3) If SBCAPCD, the Minerals Management Service, and the U.S. Coast Guard do not reach a consensus decision within 90 days from the day the SBCAPCD received the exemption request, the request shall automatically be referred to the Administrator, who will process the referral in accordance with 40 CFR § 55.7(f)(3). SBCAPCD shall transmit to the Administrator, within 91 days of its receipt, the exemption request and all

materials submitted with the request, such as the permit application or the compliance plan, and any other information considered or developed during the consultation process.

(4) SBCAPCD will process exemption requests submitted with an approval to construct or permit to operate application in accordance with the procedures outlined in 40 CFR Part 55.

Monitoring, Reporting, Inspections, and Compliance

SBCAPCD may use any authority it possesses under state law to require monitoring and reporting, and to conduct inspections. The Administrator or SBCAPCD shall consult with the Minerals Management Service and the U.S. Coast Guard prior to inspections. This shall in no way interfere with the ability of EPA or SBCAPCD to conduct unannounced inspections.

General Conditions

(1) SBCAPCD shall implement and enforce the Federal requirements of 40 CFR § 55.13 as well as the applicable state and local requirements contained in 40 CFR § 55.14.

(2) The primary responsibility for enforcement of the OCS air regulations delegated to the District shall rest with the SBCAPCD. This responsibility includes the District's implementation and enforcement of all the rules and regulations in part 55 specifically stated and interpreted by the District as being applicable to OCS sources, such as SBCAPCD's Rule 331 prohibiting routine venting of pollutants.

(3) Nothing in this agreement shall prohibit EPA from enforcing the OCS requirements of the Clean Air Act, the OCS air regulations, or the terms and conditions of any permit issued by the District pursuant to this agreement.

(4) In the event that the District does not enforce a provision of this delegation with respect to a source subject to the OCS air regulations, the District shall immediately notify the EPA Region 9 Regional Administrator. Failure to notify the Regional Administrator does not preclude EPA from exercising its enforcement authority.

(5) EPA shall retain authority to implement and enforce all requirements for OCS sources located beyond 25 miles from California's seaward boundaries.

(6) This delegation may be amended at any time by the formal written agreement of both the SBCAPCD and the U.S. EPA including amendments to add, change, or remove conditions or terms of this agreement.

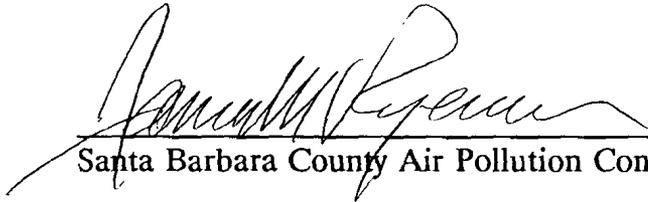
(7) If SBCAPCD adopts revisions to the District regulations reviewed by EPA and found to meet the requirements set forth at 40 CFR § 55.11 for delegation, the parties may amend the agreement pursuant to condition 6 above, or EPA may take steps to revoke the delegation in whole or in part pursuant to condition 8 below. Any amendments to regulations submitted by the District to meet the requirements of 40 CFR § 55.11 shall not be applied under this agreement until EPA has reviewed such amendments and determined that they are still adequate to implement and enforce the delegable portions of 40 CFR Part 55.

(8) This delegation, after consultation with the SBCAPCD, may be revoked in whole or in part, if the U.S. EPA determines that the SBCAPCD no longer meet the

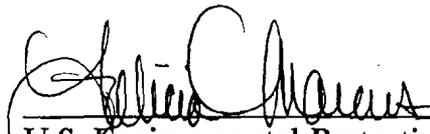
requirements for delegation set forth at 40 CFR § 55.11(b)(1-4). Any such revocation shall be effective as of the date specified in a Notice of Revocation to the SBCAPCD.

(9) This delegation of authority becomes effective upon the date of the signature of both parties to this Agreement.

(10) A notice of this delegated authority will be published in the Federal Register.

10/29/93
Dated 
Santa Barbara County Air Pollution Control District

10/29/93
Dated 
Santa Barbara County Air Pollution Control District

11/5/93
Dated 
U.S. Environmental Protection Agency

11/8/93
Dated 
U.S. Environmental Protection Agency