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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:
(5RA-14)

06 NOV 1990

Ms. Kathy Prosser
Commissioner
Indiana Department of Environmental Management
105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6005

Dear Ms. Prosser:

The United States Environmental Protection Agency (USEPA) concurs in the State of Indiana's request to subdelegate to the City of Indianapolis the authority to implement and enforce the Federal New Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS). This subdelegation concurrence is based upon the conditions contained in the November 16, 1989, and June 22, 1990, letters from the Indiana Department of Environmental Management (IDEM) related to subdelegation and is also based upon the following terms and conditions:

1. The subdelegation agreement between IDEM and Indianapolis must be finalized consistent with the draft agreement identified as Enclosure 1 of the June 22, 1990, letter from IDEM with the following exception:
 - a. The word "monthly" should replace the word "quarterly" in item 6, line 19.
 - b. The subparts Q, R, T and W should be added to the 4th line of item 1 with the following wording after the word "radionuclides", "and any other present or future NESHAPS related to radon or radionuclides."
 - c. In the following places the words "Marion County" should be used rather than the word "Indianapolis" or "City":
 - (1) item 5, line 1; (2) item 6, line 3 and; (3) item 6, line 14.
 - d. Add the following words to the end of the sentence ending in line 15 of item 1: "for which the State has promulgated appropriate regulations."

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2. A final signed copy of that agreement should be forwarded to the Region V, Air and Radiation Division.
3. The reporting requirements identified in the April 5, 1988, NSPS and NESHAPS delegation from me to the State of Indiana shall remain unchanged.
4. The subdelegation covers only those facilities subject to the Federal NSPS and NESHAPS which are located in Marion County.
5. Certain sources in Marion County have been subject to the NSPS and NESHAPS before the City of Indianapolis promulgated rules. To the extent that the City does not have authority to implement and/or enforce any NSPS or NESHAPS with respect to such subject sources, the State of Indiana will retain primary implementation and/or enforcement responsibility.

This subdelegation concurrence becomes effective as of the date of this letter, and unless USEPA receives written notice from IDEM within 10 days of the receipt of this letter, it will be deemed that the State has accepted all the above terms and conditions.

We look forward to this subdelegation providing a more efficient management of the Federal NSPS and NESHAPS programs in the State of Indiana.

Sincerely yours,

7s/ original signed by
Valdas V. Adamkus

Valdas V. Adamkus
Regional Administrator

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