



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

May 9, 2006

Leo Drozdoff, Administrator
Nevada Division of Environmental Protection
901 S. Stewart Street, Suite 4001
Carson City, Nevada 89701

Dear Mr. Drozdoff:

In response to your request, dated April 4, 2006, the U.S. Environmental Protection Agency, Region IX, (EPA) hereby grants to the Nevada Division of Environmental Protection (NDEP) formal delegation of the following National Emission Standards for Hazardous Air Pollutants (NESHAP) in the Code of Federal Regulations, Title 40, Part 63 (40 CFR Part 63):

- Subpart FFFF – NESHAP: Miscellaneous Organic Chemical Manufacturing, as published in the July 1, 2005, Federal Register and amended in the August 30, 2005, Federal Register
- Subpart EEEEE – NESHAP for Iron and Steel Foundries, as it existed in the July 1, 2005, Code of Federal Regulations

We are also granting to NDEP formal delegation of the following amendments to previously delegated 40 CFR Part 63 NESHAP:

- Subpart LL – NESHAP for Primary Aluminum Reduction Plants, amendments published in the November 2, 2005, Federal Register
- Subpart EEE – NESHAP from Hazardous Waste Combustors, published in the October 12, 2005, Federal Register
- Subpart QQQ – NESHAP for Primary Copper Smelting, amendments published in the July 14, 2005, Federal Register
- Subpart RRR – NESHAP for Secondary Aluminum Production, amendments published in the October 3, 2005, Federal Register
- Subpart UUUU – NESHAP for Cellulose Products Manufacturing, amendments published in the August 10, 2005, Federal Register
- Subpart WWW – NESHAP: Reinforced Plastic Composites Production, amendments published in the August 25, 2005, Federal Register
- Subpart CCCC – NESHAP for Coke Ovens: Pushing, Quenching, and Battery Stacks, amendments published in the August 2, 2005, Federal Register

Regarding any other 40 CFR Part 63 NESHAP previously delegated to NDEP, this letter is also delegating any amendments made to those NESHAP as of July 1, 2005.

NDEP also included a request for delegation of amendments to the regulations implementing Clean Air Act sections 112(g) and 112(j), codified at 40 CFR Part 63, Subpart B. These requirements need not be delegated under the section 112(l) approval process. When promulgating the regulations implementing section 112(g), EPA stated its view that "the Act directly confers on the permitting authority the obligation to implement section 112(g) and to adopt a program which conforms to the requirements of this rule. Therefore, the permitting authority need not apply for approval under section 112(l) in order to use its own program to implement section 112(g)" (see 61 FR 68397). Similarly, when promulgating the regulations implementing section 112(j), EPA stated its belief that "section 112(l) approvals do not have a great deal of overlap with the section 112(j) provision, because section 112(j) is designed to use the title V permit process as the primary vehicle for establishing requirements" (see 59 FR 26447). Therefore, state or local agencies implementing the requirements under sections 112(g) and 112(j) do not need approval under section 112(l). As a result, EPA is not taking action to delegate 40 CFR Part 63, Subpart B or its amendments to NDEP.

These NESHAP are being delegated in accordance with the September 3, 1997, Memorandum of Agreement (MOA) between the Nevada Division of Environmental Protection and EPA regarding the delegation of NESHAP. As set forth in the MOA, these delegations are effective upon the date of this letter and EPA will publish a future Federal Register notice to codify these delegations into the Code of Federal Regulations.

We appreciate NDEP's efforts to implement the federal air toxics program and hope to continue working with you to reduce emissions of air toxics in Nevada. If you have any questions about this delegation, please call me at (415) 947-8715 or have your staff contact Mae Wang at (415) 947-4124.

Sincerely,


For Deborah Jordan
Director, Air Division

cc: Mike Elges, NDEP – Bureau of Air Pollution Control
Adele Malone, NDEP – Bureau of Air Quality Planning