

Environmental Protection Agency  
Region IX  
100 California Street  
San Francisco CA 94111

CERTIFIED MAIL NO. 936729  
RETURN RECEIPT REQUESTED

In Reply E-4-3  
Refer to: ENF 3-5-3

Roger S. Trounday, Director  
Nevada Department of Human Resources  
Capitol Complex  
Room 600, Kin Kead Building  
505 E. King Street  
Carson City, NV 89710

APR 11 1977

Dear Mr. Trounday:

This is in response to your letter of December 15, 1976 requesting delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) to the State of Nevada Department of Human Resources (NDHR) on behalf of the Clark County District Health Department (CCDHD).

We have reviewed the pertinent laws of the State of Nevada and the regulations of the Clark County District Board of Health (CCDHB), and have determined that they provide an adequate and effective procedure for implementation and enforcement of NSPS by the NDHR and the CCDHD. Therefore, we hereby grant delegation of NSPS to the NDHR on behalf of the CCDHD as of the date of this letter as follows:

- A. Authority for 11 categories of sources located in Clark County and under CCDHD jurisdictional authority which are subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 as in effect October 6, 1976. The categories of sources covered by the delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; asphalt concrete plants; storage vessels for petroleum liquids; secondary lead smelters; sewage treatment plants; primary copper smelters; primary zinc smelters; primary lead smelters and coal preparation plants.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by the CCDHD through the NDHR. Such reports shall include, as a minimum, the following information:
  - A. Number of operating sources determined to be in compliance. Compliance determinations shall be verified annually by methods acceptable to EPA.
  - B. Number of operating sources determined to be in violation (failure to meet emission regulations, failure to comply with monitoring requirements, failure to comply with performance test requirements, failure to comply with notification requirements).
  - C. Number of operating sources of unknown compliance status.
  - D. Number of sources inspected to determine compliance with NSPS regulations.
  - E. Number of enforcement actions taken for violation of NSPS regulations.
  - F. Number of sources subject to NSPS which have commenced construction.
2. Enforcement of NSPS in Clark County will be the primary responsibility of the CCDHD and the NDHR. If the CCDHD and the NDHR determine that such enforcement is not feasible and so notify EPA, or where either the CCDHD or the NDHR acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to NSPS sources within Clark County and under CCDHD jurisdictional authority.

3. Acceptance of this delegation of NSPS does not commit the NDHR and the CCDHD to request or accept delegation of future standards and requirements. However, delegation of additional NSPS standards or requirements, not hereby delegated, would require a new request for delegation.
4. The NDHR and the CCDHD are not requesting delegation of authority over Federal facilities within the CCDHD jurisdiction which are subject to NSPS. However, this does not relieve Federal facilities of the responsibility of complying with all applicable State laws and CCDBH regulations.
5. The CCDHD will at no time grant a variance from compliance with the CCDBH Regulations-Section 14 except as provided in this paragraph. Should the CCDHD grant such a variance, EPA will consider the source receiving the variance to be in violation of NSPS and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the CCDHD shall also constitute grounds for revocation of delegation by EPA. However, should the CCDBH in the future amend Section 14 so as to make Section 14 more stringent than the Federal NSPS regulations, the CCDHD may grant variances from the more stringent CCDBH requirements if such variances do not relieve subject sources of the responsibility of complying with standards equally as stringent as those contained in the Federal NSPS regulations.
6. The CCDHD will utilize only the test methods specified in 40 CFR 60, current to the date of the test, in performing source tests pursuant to their NSPS regulations. Unless approved by EPA as acceptable for use as "alternative test methods" within the meaning of the Federal NSPS regulations, any use by the CCDHD of test methods to determine compliance with NSPS not in accordance with the

terms and conditions of this delegation shall constitute grounds for revocation of delegation by EPA. Any questions, regarding current source test methods and "alternative test methods" shall be forwarded to EPA, Region IX.

7. The NDHR and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources within the CCDHD jurisdiction as well as regarding interpretation of applicable regulations.
8. If at any time there is a conflict between a State or a CCDBH regulation and a Federal regulation (40 CFR Part 60), the Federal regulation must be applied if it is more stringent than that of the State or CCDBH. In the event of such a conflict, if either the NDHR or the CCDHD determines that it is unwilling or unable to apply the more stringent Federal regulation, it will so notify EPA. EPA, in consultation with the NDHR and the CCDHD, will then modify or revoke the terms of this delegation to the extent it determines to be appropriate.
9. If the Regional Administrator determines that a NDHR or CCDHD procedure for enforcing or implementing NSPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the NDHR.
10. As of the date of this delegation, sources subject to the Federal NSPS located within Clark County and under CCDHD jurisdictional authority are required to submit all reports pursuant to NSPS to the CCDHD and to EPA, Region IX.

A Notice announcing this delegation will be published in the Federal Register in the near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS by sources located within Clark County and under CCDHD jurisdictional authority shall be submitted to the CCDHD office at 625 Shadow Lane, Las Vegas, Nevada 89106, as well as to EPA, Region IX.

Since this delegation is effective immediately, there is no requirement that the NDHR notify EPA of its acceptance. Unless EPA receives from the NDHR written notice of objections within 10 days of the date of receipt of this letter, the NDHR and the CCDHD will be deemed to have accepted all the terms of the delegation.

Sincerely,

Original signed by:  
Paul De Falco, Jr.

Paul De Falco, Jr.  
Regional Administrator

cc: Nevada Department of Human Resources, Environmental  
Protection Services  
Clark County District Health Department

bc: S-1  
A-1  
DSSE (EN-341)

✓ Reading File  
Chow/EJohnson  
237867 thru 6406  
4/1/7