



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

September 2, 2010

Lewis T. Wallenmeyer, Director
Clark County Department of Air Quality
And Environmental Management
500 S. Grand Central Parkway, 1st Floor
Las Vegas, NV 89155-5210

Dear Mr. Wallenmeyer:

We received your August 9, 2010, 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 this letter, we are responding only to your requests for delegation of 40 CFR Parts 60 and 61. You will receive a separate letter addressing delegation of 40 CFR Part 63 NESHAP.

We have reviewed your request for delegation and have found your programs and procedures to be acceptable. As a result, the U. S. Environmental Protection Agency, Region 9 (EPA) is delegating to the Clark County Department of Air Quality and Environmental Management (CCDAQEM) the authority to implement and enforce the following 40 CFR Parts 60 and Part 61, as they existed on July 1, 2009.

NSPS

- 40 CFR Part 60 Subpart A – NSPS for General Provisions.
- 40 CFR Part 60 Subpart Da – NSPS for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.
- 40 CFR Part 60 Subpart Db – NSPS for Industrial-Commercial Institutional Steam Generating Units.
- 40 CFR Part 60 Subpart Dc – NSPS for Small Industrial-Commercial-Institutional Steam Generating Units.
- 40 CFR Part 60 Subpart Ea – NSPS for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994.

- 40 CFR Part 60 Subpart Eb – NSPS for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996.
- 40 CFR Part 60 Subpart Ec – NSPS for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996.
- 40 CFR Part 60 Subpart Kb – NSPS for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.
- 40 CFR Part 60 Subpart Na -- Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.
- 40 CFR Part 60 Subpart AAa – NSPS for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.
- 40 CFR Part 60 Subpart VVa – NSPS for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006.
- 40 CFR Part 60 Subpart AAA – NSPS for New Residential Wood Heaters.
- 40 CFR Part 60 Subpart BBB – NSPS for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
- 40 CFR Part 60 Subpart DDD – NSPS for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
- 40 CFR Part 60 Subpart III – NSPS for NSPS for VOC Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
- 40 CFR Part 60 Subpart KKK -- NSPS for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants.
- 40 CFR Part 60 Subpart LLL -- NSPS for Onshore Natural Gas Processing: SO₂ Emissions.
- 40 CFR Part 60 Subpart NNN -- NSPS for VOC Emissions from SOCMI Distillation Operations.
- 40 CFR Part 60 Subpart QQQ -- NSPS for VOC Emissions from Petroleum Refinery Wastewater Systems.

- 40 CFR Part 60 Subpart RRR -- NSPS for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
- 40 CFR Part 60 Subpart SSS -- NSPS for Magnetic Tape Coating Facilities.
- 40 CFR Part 60 Subpart TTT -- NSPS for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.
- 40 CFR Part 60 Subpart UUU -- NSPS for Calciners and Dryers in Mineral Industries.
- 40 CFR Part 60 Subpart VVV -- NSPS for Polymeric Coating of Supporting Substrates Facilities.
- 40 CFR Part 60 Subpart WWW -- NSPS for Municipal Solid Waste Landfills.
- 40 CFR Part 60 Subpart AAAA -- NSPS for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001.
- 40 CFR Part 60 Subpart CCCC -- NSPS for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001.
- 40 CFR Part 60 Subpart EEEE -- NSPS for Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001.
- 40 CFR Part 60 Subpart IIII -- NSPS for Stationary Compression Ignition and Internal Combustion Engines.
- 40 CFR Part 60 Subpart JJJJ -- NSPS for Stationary Spark Ignition Internal Combustion Engines.
- 40 CFR Part 60 Subpart KKKK -- NSPS for Stationary Combustion Turbines.

NESHAPS

- 40 CFR Part 61 Subpart J -- NESHAP for Equipment Leaks (Fugitive Emission Sources) of Benzene.

- 40 CFR Part 61 Subpart L – NESHAP for Benzene Emissions from Coke By-Products Recovery Plants.
- 40 CFR Part 61 Subpart N – NESHAP for Inorganic Arsenic Emissions From Glass Manufacturing Plants.
- 40 CFR Part 61 Subpart O – NESHAP for Inorganic Arsenic Emissions From Primary Copper Smelters.
- 40 CFR Part 61 Subpart P – NESHAP for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities.
- 40 CFR Part 61 Subpart V – NESHAP for Equipment Leaks (Fugitive Emission Sources)
- 40 CFR Part 61 Subpart Y – NESHAP for Benzene Emissions From Benzene Storage Vessels.
- 40 CFR Part 61 Subpart BB – NESHAP for Benzene Emissions From Benzene Transfer Operations.
- 40 CFR Part 61 Subpart FF – NESHAP for Benzene Waste Operations.

Regarding any other 40 CFR Parts 60 and 61 previously delegated to Clark County, this letter is also delegating any amendments made to those NSPS and NESHAP as of July 1, 2010.

However, as discussed in 67 FR 1676, the following provisions are not delegated under 40 CFR Part 60, Subpart A.

- (1) Provisions that address 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), 61.04(b), and 61.04(c); part 60, subpart B; and part 60, subpart C.
- (2) Provisions that require federal oversight to ensure national consistency and EPA's ability to enforce the standards are not being delegated. This includes 40 CFR 61.05(c) and 61.11.
- (3) Provisions that grant EPA 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).
- (4) Provisions that require rulemaking cannot be delegated because states cannot perform federal rulemaking. This includes 40 CFR 60.11(e) and 61.12(d).

(5) Provisions that address 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.

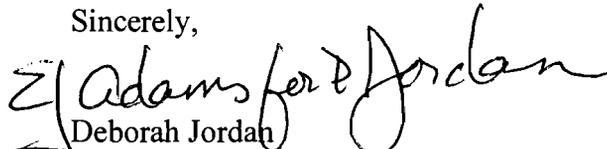
(6) Appendices to 40 CFR parts 60 and 61 are not performance standards and are not delegable under Clean Air Act Section 111(c)(1) or 112(l)(1). However all applicable test methods and other requirements in the Appendices must be followed for the delegated subparts.

This delegation does not include NSPS Subparts C, Ca, Cb, Cc, Cd, and Ce, which address Emission Guidelines and Compliance Times and thus are not delegated under CAA Sec. 111(c). To the extent that there are sources within CCDAQEM's jurisdiction that would be subject to these Subparts, CCDAQEM should be developing regulations for submission to EPA as a Plan under 40 C.F.R. Part 60, Subpart B.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Part 60, including but not limited to use of EPA's test methods and continuous emission monitoring procedures. As of the effective date of this delegation, CCDAQEM will have primary authority to enforce the above standards. EPA will retain independent enforcement authority, and will exercise such authority in a manner consistent with 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, with a copy to our office. The delegation is effective upon the date of this letter unless the U.S. EPA receives written notice from you of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the Federal Register in the near future.

We appreciate CCDAQEM's efforts to implement the federal NSPS and NESHAP programs, and hope to continue working with you to reduce emissions of air pollutants in Nevada. If you have any questions about this delegation, please call me at (415) 947-8715 or have your staff contact Cynthia Allen at (415) 947-4120.

Sincerely,


Deborah Jordan
Director, Air Division

cc: Mike Elges, NDEP
Tina M. Gingras, CCDAQEM
Russell A. Roberts, CCDAQEM