

ENVIRONMENTAL PROTECTION AGENCY

Region IX  
 100 California Street  
 San Francisco CA 94111

CERTIFIED MAIL NO. 936728  
 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

MAR 30 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).

We have reviewed the pertinent laws and air quality regulations of the State of Nevada and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS by the NDHR. Therefore, we hereby grant delegation of the NSPS to the NDHR as of the date of this letter as follows:

- A. Authority for 24 categories of new sources located in the State of Nevada and under NDHR jurisdictional authority subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 as in effect May 4, 1976. The categories of new sources covered by the delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary

CONCURRENCES							
SYMBOL	FWC	GL	E-4-3	W.P.		Wm	Conc to Mr 3-30-77
SURNAME	Chow	KATZ	Kurtz	5/24/77		3/24/77	S+P P.D.F.
DATE	3/22/77	3/22/77	3/23/77		3/24	E-3-1	3/24/77 3/25
EPA FORM 1320-1					M/6 3/29/77		OFFICIAL FILE COPY

brass and bronze ingot production plants; iron and steel plants; sewage treatment plants; primary copper smelters; primary zinc smelters; primary lead smelters; primary aluminum reduction plants; phosphate fertilizer industry: wet-process phosphoric acid plants, superphosphoric acid plants, diammonium phosphate plants, triple superphosphate plants, granular triple superphosphate storage facilities; coal preparation plants; ferroalloy production facilities; and steel plants: electric arc furnaces.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by 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 the NSPS in the State of Nevada and under NDHR jurisdiction will be the primary responsibility of the NDHR. If the NDHR determines that such enforcement is not feasible and so notifies EPA, or where 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 sources within the State of Nevada, under NDHR jurisdictional authority and subject to the NSPS.
3. Acceptance of this delegation of NSPS does not commit the NDHR 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 is not requesting delegation of authority over Federal facilities within the State which are subject to the NSPS. However, this does not relieve Federal facilities of the responsibility of complying with all applicable State laws and NDHR regulations.
5. The NDHR will at no time grant a variance from compliance with State of Nevada Air Quality Regulations-Article 16 except as provided in this paragraph. Should the NDHR grant such a variance, EPA will consider the source receiving the variance to be in violation of the 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 NDHR shall also constitute grounds for revocation of delegation by EPA. However, when Article 16 requirements are more stringent than the Federal NSPS regulation, the District may grant variances from the more stringent State of Nevada 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 NDHR 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 NDHR 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 in the State of Nevada and under NDHR jurisdictional authority, as well as regarding interpretation of applicable regulations.
8. If at any time there is a conflict between a State 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. In the event of such a conflict, if the NDHR 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, 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 procedure for enforcing or implementing the 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 NSPS located within the State of Nevada and under NDHR jurisdictional authority are required to submit all reports pursuant to the NSPS to the NDHR 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 in the State of Nevada and under NDHR jurisdictional authority shall be submitted to the NDHR office at 505 E. King Street, Carson City, Nevada 89710, as well as to EPA, Region IX.

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

Sincerely,

Original signed by:  
Paul De Falco, Jr.

Paul De Falco, Jr.  
Regional Administrator

cc: Dick Serdoz, Nevada Department of Human Resources

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

Reading File  
Katz/EJohnson  
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