



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

12 January 2004

Allen Biaggi, Administrator  
Nevada Division of Environmental Protection  
333 W. Nye Lane, Room 138  
Carson City, Nevada 89706

Dear Mr. Biaggi:

In response to your request, dated November 21, 2003, the U.S. Environmental Protection Agency, Region IX, (EPA) hereby grants to the Nevada Division of Environmental Protection - Bureau of Air Pollution Control (NDEP-BAPC) formal delegation of the following National Emission Standards for Hazardous Air Pollutants (NESHAP), as they existed on July 1, 2000:

- 40 CFR Part 63, Subpart F -- National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry
- 40 CFR Part 63, Subpart G -- National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater
- 40 CFR Part 63, Subpart H -- National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks
- 40 CFR Part 63, Subpart I -- National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
- 40 CFR Part 63, Subpart L -- National Emission Standards for Coke Oven Batteries
- 40 CFR Part 63, Subpart O -- Ethylene Oxide Emission Standards for Sterilization Facilities
- 40 CFR Part 63, Subpart R -- National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
- 40 CFR Part 63, Subpart S -- NESHAP from the Pulp and Paper Industry
- 40 CFR Part 63, Subpart U -- National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
- 40 CFR Part 63, Subpart W -- NESHAP for Epoxy Resin Production and Non-Nylon Polyamides Production
- 40 CFR Part 63, Subpart X -- NESHAP from Secondary Lead Smelting
- 40 CFR Part 63, Subpart Y -- NESHAP for Marine Tank Vessel Loading Operations
- 40 CFR Part 63, Subpart AA -- NESHAP from Phosphoric Acid Manufacturing Plants
- 40 CFR Part 63, Subpart BB -- NESHAP from Phosphate Fertilizers Production Plants

- 40 CFR Part 63, Subpart CC -- NESHAP from Petroleum Refineries
- 40 CFR Part 63, Subpart DD -- NESHAP from Off-Site Waste and Recovery Operations
- 40 CFR Part 63, Subpart EE -- NESHAP for Magnetic Tape Manufacturing Operations
- 40 CFR Part 63, Subpart GG -- National Emission Standards for Aerospace Manufacturing and Rework Facilities
- 40 CFR Part 63, Subpart HH -- NESHAP from Oil and Natural Gas Production Facilities
- 40 CFR Part 63, Subpart II -- NESHAP for Shipbuilding and Ship Repair (Surface Coating)
- 40 CFR Part 63, Subpart LL -- NESHAP for Primary Aluminum Reduction Plants
- 40 CFR Part 63, Subpart SS -- National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process
- 40 CFR Part 63, Subpart TT -- National Emission Standards for Equipment Leaks - Control Level 1
- 40 CFR Part 63, Subpart UU -- National Emission Standards for Equipment Leaks - Control Level 2 Standards
- 40 CFR Part 63, Subpart WW -- National Emission Standards for Storage Vessels (Tanks) - Control Level 2
- 40 CFR Part 63, Subpart YY -- NESHAP for Source Categories: Generic MACT Standards
- 40 CFR Part 63, Subpart CCC -- NESHAP for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants
- 40 CFR Part 63, Subpart DDD -- NESHAP for Mineral Wool Production
- 40 CFR Part 63, Subpart EEE -- NESHAP from Hazardous Waste Combustors
- 40 CFR Part 63, Subpart GGG -- National Emission Standards for Pharmaceuticals Production
- 40 CFR Part 63, Subpart HHH -- NESHAP from Natural Gas Transmission and Storage Facilities
- 40 CFR Part 63, Subpart III -- NESHAP for Flexible Polyurethane Foam Production
- 40 CFR Part 63, Subpart JJJ -- National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins
- 40 CFR Part 63, Subpart LLL -- NESHAP from the Portland Cement Manufacturing Industry
- 40 CFR Part 63, Subpart MMM -- NESHAP for Pesticide Active Ingredient Production
- 40 CFR Part 63, Subpart NNN -- NESHAP for Wool Fiberglass Manufacturing
- 40 CFR Part 63, Subpart OOO -- National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins

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.

Regarding any NESHAPs previously delegated to NDEP-BAPC, this letter is also delegating any amendments to those NESHAPs, as of July 1, 2000. NDEP-BAPC also included a request for delegation of 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 to NDEP-BAPC.

We appreciate NDEP-BAPC'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,

  
Deborah Jordan  
Acting Director, Air Division

cc: Pat Mohn, NDEP