



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

January 12, 2007

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

Dear Mr. Drozdoff:

In response to your request of October 26, 2006, the U.S. Environmental Protection Agency, Region 9 (EPA) is delegating to the Nevada Division of Environmental Protection (NDEP) the authority to implement and enforce the NSPS and NESHAP as specified below. This letter also revokes Subpart DDDD, NSPS, which was delegated to NDEP in error on May 12, 2006. We have reviewed your request for delegation and have found NDEP's programs and procedures to be acceptable.

NSPS

EPA is delegating:

- Subpart EEEE, as published in the December 16, 2005 Federal Register;
• Subpart KKKK published July 6, 2006; and
• Appendix B, as it exists in the July 1, 2006 CFR.

As discussed further below, EPA is not delegating:

- Subpart B;
• Subpart FFFF; and
• Subpart HHHH.

EPA is redelegating authority for the following source categories as they existed on July 1, 2006:

NSPS

General Provisions
Fossil-Fuel-Fired Steam Generators for
Which Construction is Commenced After
August 17, 1971

40 CFR
Part 60
Subpart

A
D

Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978	Da
Industrial-Commercial Institutional Steam Generating Units	Db
Small Industrial-Commercial-Institutional Steam Generating Units	Dc
Incinerators	E
Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994	Ea
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	Eb
Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996	Ec
Portland Cement Plants	F
Nitric Acid Plants	G
Sulfuric Acid Plants	H
Hot Mix Asphalt Facilities	I
Petroleum Refineries	J
Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978	K
Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984	Ka
Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984	Kb
Secondary Lead Smelters	L
Secondary Brass and Bronze Production Plants	M
Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973	N
Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983	Na
Sewage Treatment Plants	O
Primary Copper Smelters	P

Primary Zinc Smelters	Q
Primary Lead Smelters	R
Primary Aluminum Reduction Plants	S
Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants	T
Phosphate Fertilizer Industry: Superphosphoric Acid Plants	U
Phosphate Fertilizer Industry: Diammonium Phosphate Plants	V
Phosphate Fertilizer Industry: Triple Superphos- phate Plants	W
Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities	X
Coal Preparation Plants	Y
Ferroalloy Production Facilities	Z
Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983	AA
Steel Plants: Electric Arc Furnaces and Argon- Oxygen Decarburization Vessels Constructed After August 7, 1983	AAa
Kraft Pulp Mills	BB
Glass Manufacturing Plants	CC
Grain Elevators	DD
Surface Coating of Metal Furniture	EE
Stationary Gas Turbines	GG
Lime Manufacturing Plants	HH
Lead-Acid Battery Manufacturing Plants	KK
Metallic Mineral Processing Plants	LL
Automobile and Light-Duty Truck Surface Coating Operations	MM
Phosphate Rock Plants	NN
Ammonium Sulfate Manufacture	PP
Graphic Arts Industry: Publication Rotogravure Printing	QQ
Pressure Sensitive Tape and Label Surface Coating Operations	RR
Industrial Surface Coating: Large Appliances	SS
Metal Coil Surface Coating	TT
Asphalt Processing and Asphalt Roofing Manufacture	UU
Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry	VV
Beverage Can Surface Coating Industry	WW
Bulk Gasoline Terminals	XX
Rubber Tire Manufacturing Industry	BBB

Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry	DDD
Flexible Vinyl and Urethane Coating and Printing	FFF
Equipment Leaks of VOC In Petroleum Refineries	GGG
Synthetic Fiber Production Facilities	HHH
VOC Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI)	
Air Oxidation Unit Processes	III
Petroleum Dry Cleaners	JJJ
Equipment Leaks of VOC From Onshore Natural Gas Processing Plants	KKK
Onshore Natural Gas Processing; SO <sub>2</sub> Emissions	LLL
VOC Emissions from SOCMI Distillation Operations	NNN
Nonmetallic Mineral Processing Plants	OOO
Wool Fiberglass Insulation Manufacturing Plants	PPP
VOC Emissions from Petroleum Refinery Wastewater Systems	QQQ
Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes	RRR
Magnetic Tape Coating Facilities	SSS
Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines	TTT
Calciners and Dryers in Mineral Industries	UUU
Polymeric Coating of Supporting Substrates Facilities	VVV
Municipal Solid Waste Landfills	WWW
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	AAAA
Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruc- tion Is Commenced on or After June 1, 2001	CCCC

This delegation does not include NSPS Subparts DDDD, FFFF, and HHHH, 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 NDEP's jurisdiction that would be

subject to these Subparts, NDEP should be developing regulations for submission to EPA as a Plan under 40 C.F.R. Part 60, Subpart B.

This delegation does not include NSPS Subpart B, which addresses Adoption and Submittal of State Plans for Designated Facilities. The provisions of this subpart apply to States upon publication of a final guideline document under 40 C.F.R. 60.22(a). Provisions that address EPA's authority to delegate to state are not being delegated because it is inappropriate to imply that states have authority to delegate to themselves.

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, NDEP 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.

### **NESHAP**

EPA hereby grants to NDEP formal delegation of the NESHAP for Plywood and Composite Wood Products, located in the Code of Federal Regulations, Title 40, Part 63 (40 CFR Part 63), Subpart DDDD, as it existed on July 1, 2006.

Regarding any other 40 CFR Part 63 NESHAP previously delegated to NDEP, this letter is also delegating any amendments made to those standards as of July 1, 2006. NDEP also included a request for delegation of 40 CFR Part 63, Subpart C. Subpart C is simply the federal list of hazardous air pollutants. There are no authorities to delegate in this Subpart, and EPA does not delegate to States the ability to make modifications to the list. As a result, EPA is not taking action to delegate 40 CFR Part 63, Subpart C or its amendments to NDEP.

This delegation is being granted in accordance with the September 3, 1997, Memorandum of Agreement (MOA) between NDEP and EPA regarding the delegation of NESHAP. As set forth in the MOA, this delegation is effective upon the date of this letter and EPA will publish a future Federal Register notice to codify this delegation into the Code of Federal Regulations.

We appreciate NDEP'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 or Mae Wang at (415) 947-4124.

Sincerely,

  
Deborah Jordan  
Director, Air Division

cc: Mike Elges, NDEP  
Colleen Cripps, NDEP  
Jennifer Carr, NDEP  
Adele Malone, NDEP