

MEMORANDUM

To: File Docket EPA-R09-OAR-2006-0590

From: Julie Rose, Rules Office (AIR-4), Air Division, EPA Region IX

RE: Documentation of public participation for certain provisions for which the State of Nevada's request for rescission has been proposed for approval in the August 28, 2006 NPRM (71 FR 50875)

Date: November 17, 2006

The following table identifies the public hearing date(s) during which the listed rules or statutory provisions were repealed by the Nevada State Environmental Commission (SEC) or explains the lack of such a date in connection with rescission of certain provisions. The State of Nevada has provided documentation for public participation for all of the public hearing dates included in this table.

SIP Provision	Title	Public Hearing Repeal Date(s)
NAC 445.440	Aluminum equivalent	08/28-29/85
NAC 445.442	Anode bake plant	08/28-29/85
NAC 445.443	Asphalt concrete plant	08/28-29/85
NAC 445.446	Barite dryer	01/22/98
NAC 445.451	Basic oxygen process furnace	08/28-29/85
NAC 445.453	Bituminous coal	08/28-29/85
NAC 445.454	Blast furnace	08/28-29/85
NAC 445.455	Blowing tap	08/28-29/85
NAC 445.456	Brass or bronze	08/28-29/85
NAC 445.459	Calcium carbide	08/28-29/85
NAC 445.460	Calcium silicon	08/28-29/85
NAC 445.461	Capture system	08/28-29/85
NAC 445.462	Charge chrome	08/28-29/85
NAC 445.463	Charge period	08/28-29/85
NAC 445.465	Coal preparation plant	08/28-29/85
NAC 445.466	Coal processing and conveying equipment	08/28-29/85
NAC 445.467	Coal refuse	08/28-29/85
NAC 445.468	Coal storage system	08/28-29/85

NAC 445.469	Coke burn-off	08/28-29/85
NAC 445.474	Commercial fuel oil	09/03/87
NAC 445.475	Complex source	08/28-29/85
NAC 445.476	Condensate	08/28-29/85
NAC 445.481	Control device	08/28-29/85
NAC 445.483	Copper converter	08/28-29/85
NAC 445.484	Custody transfer	08/28-29/85
NAC 445.485	Cyclonic flow	08/28-29/85
NAC 445.487	Diesel fuel	09/03/87
NAC 445.489	Direct shell evacuation system	08/28-29/85
NAC 445.490	Drilling and production facility	08/28-29/85
NAC 445.491	Dross reverberatory furnace	08/28-29/85
NAC 445.493	Dust handling equipment	08/28-29/85
NAC 445.494	Dusts	09/03/87
NAC 445.495	Electric arc furnace	08/28-29/85
NAC 445.496	Electric furnace	08/28-29/85
NAC 445.497	Electric smelting furnace	08/28-29/85
NAC 445.498	Electric submerged arc furnace	08/28-29/85
NAC 445.502	Equivalent P_2O_5 feed	08/28-29/85
NAC 445.503	Equivalent P_2O_5 stored	08/28-29/85
NAC 445.509	Ferrochrome silicon	08/28-29/85
NAC 445.510	Ferromanganese silicon	08/28-29/85
NAC 445.511	Ferrosilicon	08/28-29/85
NAC 445.514	Fossil fuel-fired steam generating unit	08/28-29/85
NAC 445.515	Fresh granular triple superphosphate	08/28-29/85
NAC 445.518	Fuel gas	08/28-29/85
NAC 445.519	Fuel gas combustion device	08/28-29/85
NAC 445.522	Furnace charge	08/28-29/85
NAC 445.523	Furnace cycle	08/28-29/85
NAC 445.524	Furnace power input	08/28-29/85
NAC 445.526	Granular diammonium phosphate plant	08/28-29/85
NAC 445.527	Granular triple superphosphate storage facility	08/28-29/85
NAC 445.528	Heat time	08/28-29/85
NAC 445.529	High-carbon ferrochrome	08/28-29/85
NAC 445.530	High level of volatile impurities	08/28-29/85
NAC 445.531	High terrain	08/28-29/85
NAC 445.532	Hydrocarbon	08/28-29/85
NAC 445.534	Isokinetic sampling	08/28-29/85

NAC 445.539	Low terrain	08/28-29/85
NAC 445.543	Meltdown and refining	08/28-29/85
NAC 445.544	Meltdown and refining period	08/28-29/85
NAC 445.546	Molybdenum	01/22/98
NAC 445.547	Molybdenum processing plant	01/22/98
NAC 445.551	Nitric acid production unit	08/28-29/85
NAC 445.566	Petroleum liquids	08/28-29/85
NAC 445.567	Petroleum refinery	08/28-29/85
NAC 445.568	Pneumatic coal-cleaning equipment	08/28-29/85
NAC 445.572	Potroom	09/03/87
NAC 445.573	Potroom group	09/03/87
NAC 445.576	Primary aluminum reduction plant	08/28-29/85
NAC 445.577	Primary control system	08/28-29/85
NAC 445.578	Primary copper smelter	08/28-29/85
NAC 445.579	Primary lead smelter	08/28-29/85
NAC 445.580	Primary zinc smelter	08/28-29/85
NAC 445.582	Process gas	08/28-29/85
NAC 445.583	Process upset gas	08/28-29/85
NAC 445.586	Product change	08/28-29/85
NAC 445.587	Proportional sampling	08/28-29/85
NAC 445.591	Refinery process unit	08/28-29/85
NAC 445.593	Reid vapor pressure	08/28-29/85
NAC 445.594	Reverberatory furnace	08/28-29/85
NAC 445.595	Reverberatory smelting furnace	08/28-29/85
NAC 445.598	Roof monitor	08/28-29/85
NAC 445.600	Run-of-pile triple superphosphate	08/28-29/85
NAC 445.602	Secondary control system	08/28-29/85
NAC 445.603	Secondary lead smelter	08/28-29/85
NAC 445.604	Shop	08/28-29/85
NAC 445.605	Shop opacity	08/28-29/85
NAC 445.608	Silicomanganese	08/28-29/85
NAC 445.609	Silicomanganese zirconium	08/28-29/85
NAC 445.610	Silicon metal	08/28-29/85
NAC 445.611	Silvery iron	08/28-29/85
NAC 445.614	Sinter bed	08/28-29/85
NAC 445.615	Sintering machine	08/28-29/85
NAC 445.616	Sintering machine discharge end	08/28-29/85
NAC 445.619	Smelting	08/28-29/85
NAC 445.620	Smelting furnace	08/28-29/85
NAC 445.626	Standard ferromanganese	08/28-29/85
NAC 445.629	Steel production cycle	08/28-29/85

NAC 445.631	Storage vessel	08/28-29/85
NAC 445.632	Structure, building, facility or installation	01/22/98
NAC 445.634	Sulfuric acid plant	08/28-29/85
NAC 445.635	Sulfuric acid production unit	08/28-29/85
NAC 445.636	Superphosphoric acid plant	08/28-29/85
NAC 445.637	Tapping	08/28-29/85
NAC 445.638	Tapping period	08/28-29/85
NAC 445.639	Tapping station	08/28-29/85
NAC 445.640	Thermal dryer	08/28-29/85
NAC 445.641	Thermit process	08/19/04
NAC 445.642	Total fluorides	08/28-29/85
NAC 445.643	Total smelter charge	08/28-29/85
NAC 445.644	Transfer and loading system	08/28-29/85
NAC 445.645	Triple superphosphate plant	08/28-29/85
NAC 445.646	True vapor pressure	08/28-29/85
NAC 445.648	Vapor recovery system	08/28-29/85
NAC 445.652	Weak nitric acid	08/28-29/85
NAC 445.654	Wet-process phosphoric acid plant	08/28-29/85
Article 2.7.4	Confidential Information	See Note 1 below
Articles 2.10.1 and 2.10.1.1	Appeal procedures	See Note 2 below
Articles 2.10.1.2, 2.10.2 and 2.10.3	Appeal procedures	See Note 2 below
Article 3.3.4	Stop orders	See Note 3 below
Article 4.3.4	Emissions from any mobile equipment	See Note 4 below
Article 7.2.5	Basic Refractory	01/22/98; See Note 5 below
Article 7.2.9	Sierra Chemical Co.	11/18/91; See Note 6 below
Article 8.1	Primary Non-Ferrous Smelters	08/28-29/85; See Note 7 below
Articles 8.1.1, 8.1.2, & 8.1.4	Primary Non-Ferrous Smelters	08/28-29/85; See Note 7 below
Article 8.3.4	Basic	09/18/03
Article 16.3.1.2	Regulations controlling cement (Applying to Portland cement plants)	08/28-29/85; See Note 8 below

Articles 16.3.2, 16.3.2.1, & 16.3.2.2	Standard of particulate matter for clinker cooler (Applying to Portland cement plants)	08/28-29/85; See Note 8 below
Article 16.15	Primary lead smelters	08/28-29/85; See Note 8 below
Articles 16.15.1 to 16.15.1.2	Standard for Particulate Matter (Applying to primary lead smelters)	08/28-29/85; See Note 8 below
Articles 16.15.2 to 16.15.2.2	Standard for Opacity (Applying to primary lead smelters)	08/28-29/85; See Note 8 below
Articles 16.15.3 to 16.15.3.2	Standard for Sulfur (Applying to primary lead smelters)	08/28-29/85; See Note 8 below
Article 16.15.4	Monitoring Operations (Applying to primary lead smelters)	08/28-29/85; See Note 8 below
NAC 445.723	Existing copper smelters	09/03/87
NAC 445.815	Molybdenum processing plants	11/18/91
NAC 445.816(2) (a), (b), (c), (e), (f), (g), (h), and (i)	Processing Plants for Precious Metals	11/18/91
Section 13(15) and (19) of Senate Bill No. 275	[State commission of environmental protection - review recommendations of hearing board and delegation]	See Note 9 below

NOTES:

1. This provision was removed from the State regulations at the same time the codification from articles within the Nevada Air Quality Regulations (NAQR) to sections within the Nevada Administrative Code (NAC) (1982) took place. We find that this provision is contained in Nevada Revised Statutes (NRS) (NRS 445B.570(5)), which we proposed for approval in our August 28, 2006 NPRM (71 FR 50875). As such, the substantive provisions of NAQR article 2.7.4 are not being significantly changed or removed from the SIP but rather are being relocated from an outdated rule to a current statutory provision. Thus, no further documentation of public participation for this rule rescission is required.

2. Same explanation as above. This provision appears in NRS 445B.360.

3. This provision was also removed from the State regulations at the same time the codification from NAQR to NAC (1982) took place. We find that the substantive provisions of NAQR article 3.3.4 have been relocated to other provisions, such as NAC 445.630, which we are retaining in the SIP. See 71 FR 50875 (August 28, 2006). Thus, no further documentation of public participation for this rule rescission is required.

4. We find that, in substance, NAQR article 4.3.4 has not been removed from the SIP but has been relocated to another division of the NAC, namely the division related to the State's vehicle inspection and maintenance program, which has been approved into the SIP. Thus, no further documentation of public participation for this rule rescission is required.

5. NAQR article 7.2.5 became NAC 445.736(1)(a) & (b) in the 1982 codification. When NAC chapter 445 was divided into chapters 445A and 445B in 1994, NAC 445.736 became NAC 445B.367. NAC 445B.367 was repealed at the January 22, 1998 SEC Hearing (LCB File No. R105-97, section 36). NDEP included documentation of public participation for the January 22, 1998 SEC public hearing in the February 16, 2005 SIP submittal.

6. NAQR article 7.2.9 became NAC 445.737 in the 1982 codification. At the August 28-29, 1985 SEC hearings, the name "Sierra Chemical Company" was corrected to the new name "Guy Weatherly." NAC 445.737 was repealed at the November 18, 1991 SEC hearing (LCB File No. R132-91, section 14). NDEP included documentation of public participation for the November 18, 1991 SEC public hearing in the February 16, 2005 SIP submittal.

7. NAQR articles 8.1, 8.1.1, 8.1.2 and 8.1.4 became NAC 445.744 in the 1982 codification. This NAC was repealed at the August 28-29, 1985 SEC hearings; see #5 in the petition. NDEP has provided documentation of public participation for the August 28-29, 1985 SEC hearings.

8. NAQR articles 16.3.1.2, 16.3.2, 16.3.2.1, 16.3.2.2, 16.15, 16.15.1 to 16.15.1.2, 16.15.2 to 16.15.2.2, 16.15.3 to 16.15.3.2 and 16.15.4 were all repealed in the August 28-29, 1985 SEC hearings, but they were NACs by then. NAQR article 16.3 had become NAC 445.828 and NAQR article 16.15

had become NAC 445.819. NDEP has provided documentation of public participation for the August 28-29, 1985 SEC hearings.

9. In substance, the authorities set forth in these provisions from the original SIP (1972) have been transferred to other entities for which legal authority is established in other provisions of the applicable SIP. See page 3 of appendix III-D of NDEP's January 12, 2006 SIP submittal for further details. No further documentation of public participation for rescission of these provisions is required.