

**JUNE 17, 2008 SEC HEARING
AGENDA ITEM 6**

ADOPTION BY REFERENCE OF FEDERAL STANDARDS

LCB File No. R076-08, Adoption by reference amendments (NAC 445B.221)

Described below are the federal New Source Performance Standards (codified in 40 CFR Part 60) and National Emission Standards for Hazardous Air Pollutants (codified in 40 CFR Part 63) that are proposed for adoption by reference in LCB File No. R76-08.

SUMMARY: WHO MAY IT IMPACT? HOW?

- Part 60 Subpart JJJJ (new standard), NSPS for Stationary Spark Ignition Internal Combustion (SI ICE) Engines and Part 63 Subpart ZZZZ (amendment), NESHAP for Reciprocating Internal Combustion Engines (RICE) –

Subpart JJJJ applies to any owner or operator of a new, modified or reconstructed stationary SI ICE - no minimum size. It is mainly a requirement on the manufacturer of the engines. It requires use of the best demonstrated system of continuous emission reduction, and, based on size, certain recordkeeping and emissions testing requirements.

Subpart ZZZZ establishes national emission limitations and operating limitations for hazardous air pollutants (HAP) emitted from stationary RICE located at any stationary source except engine test stands. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations and operating limitations.

- Part 63 Subpart LLLLLL to QQQQQQ (new) National Emission Standards for Hazardous Air Pollutants for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving

This notice applies to several manufacturing processes. Of those listed, Nevada only has flexible polyurethane foam manufacturing (Subpart OOOOOO) and a wood preserving operation that would be affected (Subpart QQQQQQ). Subpart OOOOOO establishes standards of operation for the manufacture of polyurethane foam products to reduce emissions of HAPS. Subpart QQQQQQ establishes standards for wood preserving operations that use heat treatment process with chromium, arsenic, dioxin or methylene chloride preservatives.

- Part 63 Subpart WWWW (new) National Emission Standards for Hospital Ethylene Oxide Sterilizers
Any hospital that uses ethylene oxide to sterilize their instruments is subject to this rule. There are several large hospitals within NDEP's jurisdiction that may use this process.
- The rest of the adoptions are minor:
 - No current sources, but perhaps in the future, or
 - Technical corrections, clarifications and regulatory language updates for clarity.

PARTS 60 and 63

Part 60 Subparts A & JJJJ (new); and Part 63 Subparts A & ZZZZ (amendments)

January 18, 2008, FR Pages 3567-3614.

Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is promulgating new source standards of performance for stationary spark ignition internal combustion engines. EPA is also promulgating national emission standards for hazardous air pollutants for new and reconstructed stationary reciprocating internal combustion engines that either are located at area sources of hazardous air pollutant emissions or that have a site rating of less than or equal to 500 brake horsepower and are located at major sources of hazardous air pollutant emissions.

DATES: This final rule is effective on March 18, 2008. The incorporation by reference of certain publications listed in the final rule is approved by the Director of the Federal Register as of March 18, 2008.

PART 63

Subparts EEEEE & FFFFF (technical and editorial corrections)

July 3, 2007, FR Pages 36363-36367

Amendments to National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting and Secondary Copper Smelting Area Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to amend the national emission standards for primary copper smelting area sources and secondary copper smelting area sources published on January 23, 2007. The amendments to the national emission standards for primary copper smelting area sources clarify when plants must exhaust gases to a control device and what control devices may be used for this requirement; numbering errors are also corrected. The amendments to the national emission standards for secondary copper smelting area sources clarify the date which defines a new copper smelter and correct a cross-referencing error.

DATES: This direct final rule is effective on October 1, 2007 without further notice, unless EPA receives adverse comment by August 2, 2007. If the effective date is delayed, timely notice will be published in the Federal Register. If we receive adverse comment, we will publish a timely withdrawal in the Federal Register informing the public that some or all of the amendments in this rule will not take effect.

Subpart LLLLLL to QQQQQQ (new)

July 16, 2007, FR Pages 38864-38917

National Emission Standards for Hazardous Air Pollutants for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing six national emissions standards for hazardous air pollutants for seven area source categories. The final emissions standards and associated requirements for two area source categories (Flexible Polyurethane Foam Production and Flexible Polyurethane Foam Fabrication) are combined in one subpart. These final rules include emission standards that reflect the generally available control technologies or management practices in each of these area source categories.

DATES: These final rules are effective on July 16, 2007. The incorporation by reference of certain publications listed in these rules is approved by the Director of the Federal Register as of July 16, 2007.

Subparts A & DDDD (ministerial amendments)

October 29, 2007, FR Pages 61060-61063

National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On June 19, 2007, the United States Court of Appeals for the District of Columbia Circuit (the Court) vacated EPA's provisions in the National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products that established an October 1, 2008, compliance deadline and that created and delisted a low risk subcategory of plywood and composite wood products facilities. This action announces the Court's decision and promulgates ministerial amendments that will incorporate the Court's decision into the Code of Federal Regulations.

DATES: This rule was effective on October 29, 2007.

Subparts RRRRRR, SSSSSS, TTTTTT (new)

December 26, 2007, FR Pages 73179-73211

National Emission Standards for Hazardous Air Pollutants for Area Sources: Clay Ceramics Manufacturing, Glass Manufacturing, and Secondary Nonferrous Metals Processing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing national emission standards for the Clay Ceramics Manufacturing, Glass Manufacturing, and Secondary Nonferrous Metals Processing (brass and bronze ingot making, secondary magnesium processing, or secondary zinc processing plant that uses furnace melting operations to melt post-consumer nonferrous metal scrap to make products including bars, ingots, blocks, or metal powders) area source categories. Each of these three final emissions standards reflects the generally available control technology or management practices used by sources within the respective area source category.

DATES: This final rule is effective on December 26, 2007. The incorporation by reference of certain publications listed in this rule are approved by the Director of the Federal Register as of December 26, 2007.

Subpart YYYYYY (new)

December 28, 2007, FR Pages 74087-74116

National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing national emission standards for electric arc furnace steelmaking facilities that are area sources of hazardous air pollutants. The final rule establishes requirements for the control of mercury emissions that are based on the maximum achievable control technology and requirements for the control of other hazardous air pollutants that are based on generally available control technology or management practices.

DATES: This final rule is effective on December 28, 2007. The incorporation by reference of certain publications listed in this final rule is approved by the Director of the Federal Register as of December 28, 2007.

Subpart WWWW (new)

December 28, 2007, FR Pages 73611-73625

National Emission Standards for Hospital Ethylene Oxide Sterilizers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing national emissions standards for new and existing hospital sterilizers that emit hazardous air pollutants and are area sources within the meaning of Clean Air Act section 112(a)(2). The final rule is based on EPA's determination as to what constitutes the generally available control technology or management practices for the hospital sterilizer area source category. This action is being finalized as part of EPA's obligation to regulate area sources listed for regulation pursuant to Clean Air Act section 112(c)(3).

DATES: The final rule is effective on December 28, 2007.

Subpart ZZZZ (new)

Wednesday, January 2, 2008, FR Pages 226-

National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources

ACTION: Final rule.

SUMMARY: EPA is issuing national emission standards for hazardous air pollutants for two area source categories (iron foundries and steel foundries). The requirements for the two area source categories are combined in one subpart. The final rule establishes different requirements for foundries based on size. Small area source foundries are required to comply with pollution prevention management practices for metallic scrap, the removal of mercury switches, and binder formulations. Large area source foundries are required to comply with the same pollution prevention management practices as small foundries in addition to emissions standards for melting furnaces and foundry operations. The final standards reflect the generally achievable control technology and/or management practices for each subcategory.

DATES: This final rule is effective on January 2, 2008. The incorporation by reference of certain publications listed in this final rule is approved by the Director of the Federal Register as of January 2, 2008.

Subpart HHHHHH (new)

January 9, 2008, FR Pages 1737-1768

National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action promulgates national emission standards for hazardous air pollutants (NESHAP) for area sources engaged in paint stripping, surface coating of motor vehicles and mobile equipment, and miscellaneous surface coating operations. EPA has listed "Paint Stripping," "Plastic Parts and Products (Surface Coating)," and "Autobody Refinishing Paint Shops" as area sources of hazardous air pollutants (HAP) that contribute to the risk to public health in urban areas under the Integrated Urban Air Toxics Strategy. This final rule includes emissions standards that reflect the generally available control

technology or management practices in each of these area source categories. "~~Plastic Parts and Products (Surface Coating)~~" has been renamed "~~Miscellaneous Surface Coating,~~" and "~~Autobody Refinishing Paint Shops~~" has been renamed "~~Motor Vehicle and Mobile Equipment Surface Coating~~" to more accurately reflect the scope of these source categories.

~~DATES: This final rule is effective on January 9, 2008. The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of January 9, 2008.~~

~~**Subparts BBBB & CCCC (new)**~~

~~January 10, 2008, FR Pages 1915-1953~~

~~*National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities; Final Rule*~~

~~AGENCY: Environmental Protection Agency (EPA).~~

~~ACTION: Final rule.~~

~~SUMMARY: This action promulgates national emission standards for hazardous air pollutants for the facilities in the gasoline distribution (Stage I) area source category. We are promulgating these emission standards for hazardous air pollutants pursuant to Clean Air Act section 112(c)(3) and 112(d)(5). We are adding two regulations that address the facilities contained in this area source category. The first includes requirements for bulk distribution facilities, i.e., gasoline distribution bulk terminals, bulk plants, and pipeline facilities. The second includes requirements for loading of storage tanks at gasoline dispensing facilities. We are also incorporating by reference four test methods. This action also finalizes our decision not to regulate the above noted facilities under Clean Air Act section 112(e)(6).~~

~~DATES: These final rules are effective on January 10, 2008. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of January 10, 2008.~~

Subpart EEEEE (amendments)

February 7, 2008, FR Pages 7210-7223

National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing amendments to the national emission standards for hazardous air pollutants (NESHAP) for iron and steel foundries. These final amendments add alternative compliance options for cupolas at existing foundries and clarify several provisions to increase operational flexibility and improve understanding of the final rule requirements.

DATES: These final amendments are effective on February 7, 2008. The incorporation by reference of certain publications listed in these amendments is approved by the Director of the Federal Register as of February 7, 2008.

Subpart HHHHH (correction to 1/9/08 FR)

February 13, 2008, FR Page 8408

National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

—In rule document E7-24718 beginning on page 1738 in the issue of Wednesday, January 9, 2008, make the following corrections:

~~Sec. 63.11173 [Corrected]~~

—1. On page 1761, in the second column, in Sec. 63.11173(b), in the seventh line from the bottom, "more" should read "less".

—2. On the same page, in the same column, in the same section, in the same paragraph, in the fifth line from the bottom, "management practices" should read "requirements".

~~Subparts BBBBBB & CCCCCC (correction to 1/10/08 FR)~~

~~March 7, 2008, FR Pages 12275-12276~~

~~National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities; Correction~~

~~AGENCY: Environmental Protection Agency (EPA).~~

~~ACTION: Final rule; correction.~~

~~SUMMARY: This action corrects certain text of the final rules entitled "National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities." The final rules were published in the Federal Register on January 10, 2008.~~

~~DATES: Effective Date: March 7, 2008.~~

Subpart LLLLLL to QQQQQQ (technical corrections to 7/16/07 FR)

March 26, 2008, FR Pages 15923-15930

Amendments to National Emission Standards for Hazardous Air Pollutants for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is publishing technical corrections through this direct final action to amend the national emission standards for acrylic and modacrylic fibers production, carbon black production, chemical manufacturing: chromium compounds, flexible polyurethane foam production and fabrication, lead acid battery manufacturing, and wood preserving area sources published on July 16, 2007. The amendments clarify certain provisions in two of the final area source rules (flexible polyurethane foam production and fabrication and lead acid battery manufacturing) and correct editorial and publication errors in all of the final rules.

DATES: This rule is effective on June 24, 2008 without further notice, unless EPA receives adverse comment by April 25, 2008. If EPA receives adverse comment, we will publish a timely withdrawal in the Federal Register informing the public that this rule, or the relevant amendments in this rule, will not take effect.