

**JUNE 17, 2009 SEC HEARING  
AGENDA ITEM 4**

**ADOPTION BY REFERENCE OF FEDERAL STANDARDS**

**Temporary Regulation T036-09 (P2009-01), Adoption by reference amendments (NAC 445B.221)**

Described below are a revision to a federal definition, federal test methods, New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants that are proposed for adoption by reference in LCB File No. T036-09.

SUMMARY: WHO MAY IT IMPACT? HOW?

- *Part 51 -- Revision to Definition of Volatile Organic Compounds- Exclusion of Propylene and Dimethyl Carbonate.* The definition of "volatile organic compounds" in NAC 445B.202 references the federal definition in Part 51. This revision to EPA's definition of VOCs benefits any Nevada industries that make and use coatings, adhesives, inks, or which perform paint stripping or pesticide applications, because they no longer have to account for emissions of propylene or dimethyl carbonate.
- *Part 60 Subpart D, Da, Db, and Dc -- NSPS for (1) Fossil-Fuel-Fired Steam Generators; (2) Industrial-Commercial-Institutional Steam Generating Units.* This would affect power plants and some mining operations in Nevada. The amendments add compliance alternatives for certain affected sources and eliminate the opacity standard for certain facilities that may choose to install PM continuous emission monitoring systems, as long as they are complying with a federally enforceable permit limiting PM emissions to 0.030 lb/MMBtu or less. Also, corrects technical and editorial errors.
- *Part 60 Subparts VV, VVa, GGG, and GGGa -- NSPS for Petroleum Refiners and Synthetic Organic Manufacturers.* Impacts petroleum refiners and synthetic organic chemical manufacturing industry (SOCMI) units, e.g., producers of benzene, toluene, or any other chemical listed in 40 CFR 60.489. There are no impacted sources in Nevada, yet, but there have been inquiries about permitting an ethanol plant. Certain provisions that are under reconsideration have been stayed.
- *Part 63 Subpart EEE — NESHAP for Hazardous Waste Combustors.* Impacts the military facility in Hawthorne by clarifying several compliance and monitoring provisions that they have to meet. The rule revises the PM standard for incinerators that burn hazardous waste; amends the PM detection system provisions; and revises the health-based alternative for total chlorine. Also, issues several corrections and clarifications.
- *Part 63 Subpart EEEE — NESHAP for Organic Liquids Distribution (Non-Gasoline).* Impacts operations at major sources that transfer organic liquids into or out of the plant site. There are no such major sources in Nevada, yet, but there could be in the future.
- The other adoptions are federal test methods that are used in compliance determinations and referenced in permits.

THE FOLLOWING ARE EXCERPTS FROM THE FEDERAL REGISTER NOTICES:

**40 CFR Part 51** (see NAC 445B.221, subsections 3 and 5)

**Section 51.100(s)** (Amendment)

January 21, 2009, FR Pages 3437-3441

*Revision to Definition of Volatile Organic Compounds - Exclusion of Propylene and Dimethyl Carbonate.*

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action revises EPA's definition of volatile organic compounds (VOCs) for purposes of preparing state implementation plans (SIPs) to attain the national ambient air quality standard for ozone under Title I of the Clean Air Act (Act). This revision adds the compounds propylene carbonate and dimethyl carbonate to the list of compounds which are excluded from the definition of VOC on the basis that these compounds make a negligible contribution to tropospheric ozone formation.

DATES: This rule is effective on February 20, 2009.

#### **Appendix M, as of July 1, 2008**

##### *Recommended Test Methods for State Implementation Plans*

SUMMARY: These are recommended test methods for measuring air pollutants emanating from an emission source. They are provided for States to use in their plans to meet the requirements of subpart K—Source Surveillance.

#### **40 CFR Part 60** (see NAC 445B.221, subsections 8-10)

##### **Subpart A, D, Da, Db, and Dc** (Amendments)

January 28, 2009, FR Pages 5072-5093

*Standards of Performance for Fossil- Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971; Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978; Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units; and Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units*

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is amending the new source performance standards (NSPS) for electric utility steam generating units and industrial-commercial-institutional steam generating units. These amendments to the regulations are to add compliance alternatives for owners and operators of certain affected sources, eliminate the opacity standard for facilities with a particulate matter (PM) limit of 0.030 lb/million British thermal units (MMBtu) or less that choose to voluntarily install and use PM continuous emission monitors (CEMS) to demonstrate compliance with that limit, and to correct technical and editorial errors.

DATES: This rule is effective on January 28, 2009.

##### **Subpart A, VV, GGG** (Amendments), **VVa and GGGa** (New)

November 16, 2007, FR Pages 64860-64897

*Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries*

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing final amendments to the standards of performance for equipment leaks of volatile organic compounds in the synthetic organic chemicals manufacturing industry and to the standards of performance for equipment leaks of volatile organic compounds in petroleum refineries. The amended standards for the synthetic organic chemicals manufacturing industry apply to affected facilities that are constructed, reconstructed, or modified after January 5, 1981, and on or before November 7, 2006. The amended standards for petroleum refineries apply to affected facilities that are constructed, reconstructed, or modified after January 4, 1983, and on or before November 7, 2006. In this action, EPA is also issuing new standards of performance for equipment leaks of volatile organic compounds in the synthetic organic chemicals manufacturing industry and for equipment leaks of volatile organic compounds in petroleum refineries which apply to affected facilities that are constructed, reconstructed, or modified after November 7, 2006. The final amendments and new standards are based on the results of our review of the existing regulations as required by section 111(b) (1) (B) of the Clean Air Act.

DATES: Final rule effective on November 16, 2007.

##### **Subpart A, VV, GGG** (Amendments), **VVa and GGGa** (New)

June 2, 2008, FR Pages 31372-31380  
AGENCY: Environmental Protection Agency (EPA).  
ACTION: Direct final rule; stay.

*Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries*  
SUMMARY: EPA is taking direct final action on the standards of performance for equipment leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry (SOCMI) and Petroleum Refineries. On November 16, 2007, EPA promulgated amendments and established new standards for these industries. Following that action, the Administrator received a petition for reconsideration. In response to the petition, EPA granted a stay of certain provisions in the final amendments and new standards. In this action, EPA is extending the stay of the requirements under reconsideration until a final decision is reached on these issues.

DATES: This rule is effective on August 1, 2008.

### **Appendix A, as of July 1, 2008**

#### *Test Methods*

SUMMARY: Specific uses of these test methods are described in the standards of performance contained in the subparts, beginning with Subpart D. Within each standard of performance, a section title "Test Methods and Procedures" is provided to: (1) identify the test methods to be used as reference methods to the facility subject to the respective standard, and (2) identify any special instructions or conditions to be followed when applying a method to the respective facility. Such instructions (for example, establish sampling rates, volumes, or temperatures) are to be used either in addition to, or as a substitute for procedures in a test method. Similarly, for sources subject to emission monitoring requirements, specific instructions pertaining to any use of a test method as a reference method are provided in the subpart or in Appendix B.

**40 CFR Part 61** (see NAC 445B.221, subsection 12)

### **Appendix B, as of July 1, 2008**

#### *Test Methods*

SUMMARY: Enforceable test methods applicable to hazardous air pollutants from designated stationary sources. Each method includes the following provisions:

- Scope and Application
- Interferences
- Reagents and Standards
- Quality Control
- Analytical Procedure
- Method Performance
- References
- Summary of Method
- Safety
- Sample Collection, Preservation, Transport, and Storage
- Calibration and Standardizations
- Data Analysis and Calculations
- Pollution Prevention
- Tables, Diagrams, Flowcharts, and Validation Data
- Definitions
- Equipment and Supplies
- Waste Management

**40 CFR Part 63** (see NAC 445B.221, subsections 10 and 11)

### **Subpart EEE (Amendments)**

October 28, 2008, FR Pages 64068-6497

*National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors: Reconsideration*

AGENCY: Environmental Protection Agency (EPA).  
ACTION: Final rule; reconsideration.

SUMMARY: On October 12, 2005, EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for new and existing sources at hazardous waste combustion facilities (the final rule). Subsequently, the Administrator received four petitions for reconsideration of the final rule. After evaluating public comments submitted in response to these reconsideration notices, we are taking final action regarding the eight issues raised in the petitions for reconsideration. EPA also re-opened the rule to consider comments relating to a post-promulgation decision of the United States Court of Appeals for

the District of Columbia Circuit, and is responding in this proceeding to the comments received on that notice, published on September 27, 2007. As a result of this reconsideration process, we are revising the new source standard for particulate matter for cement kilns and for incinerators that burn hazardous waste. We are also making amendments to the particulate matter detection system provisions and revisions to the health-based compliance alternative for total chlorine of the final rule. Finally, we are also issuing several corrections and clarifications to the final rule.

DATES: The final rule is effective on October 28, 2008.

#### **Subpart EEE (Amendments)**

April 8, 2008, FR Pages 18970-18984

*National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; Amendments*

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing amendments to the national emission standards for hazardous air pollutants (NESHAP) for hazardous waste combustors, which EPA promulgated on October 12, 2005. The amendments to the October 2005 final rule clarify several compliance and monitoring provisions, and also correct several omissions and typographical errors in the final rule. We are finalizing the amendments to facilitate compliance and improve understanding of the final rule requirements. This rule does not address issues for which petitioners sought reconsideration. Nor does it address issues raised in EPA's comment solicitation of September 27, 2007.

DATES: The final rule is effective on April 8, 2008.

#### **Subpart EEEE (Amendments)**

April 23, 2008, FR Pages 21825-21834

*National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)*

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule

SUMMARY: EPA is taking direct final action on the national emission standards for hazardous air pollutants for organic liquids distribution (non-gasoline), which EPA promulgated on February 3, 2004, and amended on July 28, 2006. In this action, EPA is clarifying combustion control device compliance requirements, certain storage tank control compliance dates, and vapor balance system monitoring requirements. In addition, EPA is correcting typographical errors found in the July 28, 2006, final rule amendments.

DATES: This direct final rule is effective on July 22, 2008