

Jennifer Carr
Administrator
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SUBJECT: Rescinding General Provisions (020.005 to 020.095), Source Registration and Operation (030.000 to 030.3104), and Emergency Episode Plan (060.010 to 060.025) of the EPA-Approved Air District Regulations in the Nevada SIP for Washoe County

Dear Ms. Carr:

The Northern Nevada Public Health, Air Quality Management Division (AQMD) is requesting to rescind the General Provisions (020.005 to 020.095)^{1,2}, Source Registration and Operation (030.000 to 030.3104)^{2,3,4}, and Emergency Episode Plan (060.010 to 060.025)^{1,5} of the EPA-Approved Air District Regulations in the Nevada SIP for Washoe County.

On October 26, 2023, the District Board of Health (DBOH) adopted revisions to CHAPTER 020 – General Provisions in order to address the conditional approval of public notification requirements of Clean Air Act Section 110(a)(2)(J) and was subsequently submitted for inclusion into the Nevada SIP for Washoe County.⁶ There have been prior amendments (4/88, 10/28/92, and 10/20/93) and revisions (4/22/98, 8/26/04, 11/16/06, 5/28/18) that were locally adopted, by the DBOH, but not federally approved since the original General Provisions (020.005 to 020.095) were adopted in 1972 and some rules were revised/amended in 1979. The SIP Submittal for the 10/26/23 adoption of CHAPTER 020.000 – General Provisions (PARTS 020.000, 020.100, and 020.200) will replace General Provisions (020.005 to 020.095) listed in Table 1 (or here: <https://www.epa.gov/air-quality-implementation-plans/nevada-sip-washoe-county>).

On September 26, 2024, the DBOH adopted revisions to CHAPTER 030 – Source Permitting and Operation and was subsequently submitted for inclusion into the Nevada SIP for Washoe County (See Attachment 2). There have been prior amendments (4/89, 6/27/90, 10/24/90, 9/23/92 7/28/93, 10/20/93, 11/16/94) and revisions (5/24/95, 10/25/95, 4/22/98, 5/24/07, 8/28/08, 2/26/09, 6/23/11, 12/15/16) that were locally adopted, by the DBOH, but not federally approved since Source Registration and Operation 030.000 to 030.3104 were adopted in 1979 and some rules were revised in 2012. The SIP Submittal for the 9/26/24 adoption of CHAPTER 030 – Source Permitting and Operation (PARTS 030.000, 030.100, 030.200, 030.300, 030.400, and 030.500) will replace Source Registration and Operation (030.000 to 030.3104) listed in Table 2 (or here: <https://www.epa.gov/air-quality-implementation-plans/nevada-sip-washoe-county>).

¹ [37 FR 15080](#) (Submitted on June 12, 1972. See [40 CFR 52.1490\(c\)\(2\)](#))

² [46 FR 43141](#) (Submitted on July 24, 1979. See [40 CFR 52.1490\(c\)\(16\)\(ix\)](#))

³ [46 FR 21758](#) (Submitted on July 24, 1979. See [40 CFR 52.1490\(c\)\(16\)\(iii\)](#))

⁴ [77 FR 60915](#) (Submitted on August 30, 2012)

⁵ [72 FR 33397](#) (Submitted on May 5, 2006. See [40 CFR 52.1490\(c\)\(63\)\(i\)\(A\)\(1\)](#))

⁶ [88 FR 10044](#)

Emergency Episode Plan, PARTS 060.010, 060.015, 060.020, and 060.025, have not been revised since they were adopted by the DBOH and approved by EPA in 1972. These PARTS are no longer applicable, are incorporated in CHAPTERS 020 and 050 (submitted to EPA for approval on August 17, 2022 and October 26, 2023, respectively), or are addressed via EPA-approved monitoring plans. The last approval of CHAPTER 050 by EPA was June 18, 2007.

Table 1: 020 Regulation Differences from EPA Approved Regulations

District Citation	Title/Subject	EPA Approval Date and FR Notice	Explanation
020.005	Board of Health-Powers and Duties	07/27/1972 37 FR 15080	Rescinded. Concept and similar language included in revised and locally adopted PART 020.000.
020.010	Injunctive Relief	07/27/1972 37 FR 15080	Rescinded. Concept and similar language included in revised and locally adopted PART 020.000.
020.015	Judicial Relief	07/27/1972 37 FR 15080	Rescinded.
020.025	Control Officer-Powers and Duties	07/27/1972 37 FR 15080	Rescinded. Concept and similar language included in revised and locally adopted PART 020.000.
020.035	Violations of Regulations	07/27/1972 37 FR 15080	Rescinded. Concept and similar language included in revised and locally adopted PART 020.100.
020.040	Notice of Violation	07/27/1972 37 FR 15080	Rescinded. Concept and similar language included in revised and locally adopted PART 020.100.
020.045	Citation	07/27/1972 37 FR 15080	Rescinded. Concept and similar language included in revised and locally adopted PART 020.100.
020.050	Administrative Fines	07/27/1972 37 FR 15080	Rescinded. Concept and similar language included in revised and locally adopted PART 020.100.
020.055	Confidential Information	07/27/1972 37 FR 15080	Rescinded. Concept and similar language included in revised and locally adopted PART 020.000.
020.060	Interference with Performance of Duty	07/27/1972 37 FR 15080	Rescinded. Concept and similar language included in revised and locally adopted PART 020.100.
020.070	Sampling and Testing	07/27/1972 37 FR 15080	Rescinded. Concept and similar language included in revised and locally adopted PART 020.300.

020.080	Circumvention	07/27/1972 37 FR 15080	Rescinded. Concept and similar language included in revised and locally adopted PART 020.000.
020.085	Upset, Breakdown or Scheduled Maintenance	07/27/1972 37 FR 15080	Rescinded. Concept and similar language included in revised and locally adopted PART 020.300.
020.090	Registration of Sources	07/27/1972 37 FR 15080	Rescinded. Concept and similar language included in revised and locally adopted Chapter 030.
020.095	Severability	07/27/1972 37 FR 15080	Rescinded. Concept and similar language included in revised and locally adopted PART 020.000.

Table 2: 030 Regulation Differences from EPA Approved Regulation

District Citation	Title/Subject	EPA Approval Date and FR Notice	Explanation
030.000	Sources – General	04/14/1981 46 FR 21758	Rescinded. Concept and similar language included in revised and locally adopted PARTS 030.000 through 030.055.
030.005	[Authority to Construct must be issued before any building permit]	04/14/1981 46 FR 21758	Rescinded.
030.010	[Limits on Issuance of Authorities to Construct]	04/14/1981 46 FR 21758	Rescinded.
030.015	[Public notice requirement for major sources]	04/14/1981 46 FR 21758	Rescinded. Concept and similar language included in revised and locally adopted PARTS 030.500.
030.025	Registration Application	04/14/1981 46 FR 21758	Rescinded.
030.030	[Limits on effect of acceptance of permit application or issuance of Authority to Construct]	04/14/1981 46 FR 21758	Rescinded.
030.110	[modifications]	04/14/1981 46 FR 21758	Rescinded.
030.115(1),(5), and subsection (B)	[Additional requirements for major sources in general and specific additional	04/14/1981 46 FR 21758	Rescinded. Concept and similar language included in revised and locally adopted PARTS 030.020, 030.300, 030.400, and 030.500.

	requirements for major sources of nonattainment pollutants]		
030.120	[Violations and Stop Work Orders]	04/14/1981 46 FR 21758	Rescinded. Concept and similar language included in revised and locally adopted PARTS 020.100 and 030.000.
030.1201	[Person served with Stop Work Order]	04/14/1981 46 FR 21758	Rescinded. Concept and similar language included in revised and locally adopted PART 020.100.
030.205	[Registration Requirement]	04/14/1981 46 FR 21758	Rescinded.
030.210	[Issuance of Permits to Operate]	04/14/1981 46 FR 21758	Rescinded. Concept and similar language included in revised and locally adopted PARTS 030.020, 030.100, 030.200, and 030.510.
030.215	[Limits on Meaning of Issuance of Permit to Operate]	04/14/1981 46 FR 21758	Rescinded.
030.218	Demonstration of Compliance	10/5/2012 77 FR 60915	Rescinded. Concept and similar language included in revised and locally adopted PARTS 030.030 and 030.040.
030.230	Record Keeping	10/5/2012 77 FR 60915	Rescinded. Concept and similar language included in revised and locally adopted PART 030.040.
030.235	Requirements for Source Sampling and Testing	10/5/2012 77 FR 60915	Rescinded. Concept and similar language included in revised and locally adopted PART 030.040.
030.245	[Permit to Operate is not transferable]	04/14/1981 46 FR 21758	Rescinded. Concept and similar language included in revised and locally adopted PART 030.040.
030.250	[Permit to Operate is subject to suspension or revocation for violation]	04/14/1981 46 FR 21758	Rescinded. Concept and similar language included in revised and locally adopted PARTS 020.100 and 030.000.
030.300	Fee and Fee Schedule	08/27/1981 46 FR 43141	Rescinded. Concept and similar language included in revised and locally adopted PART 020.200.
030.305	Plan Review Fees	08/27/1981 46 FR 43141	Rescinded. Concept and similar language included in revised and locally adopted PART 020.200.

030.310	[Permit to Operate – Schedule of Fees]	08/27/1981 46 FR 43141	Rescinded. Concept and similar language included in revised and locally adopted PART 020.200.
030.970 (Subsection A only)	Part 70 Permit Monitoring and Compliance	10/05/2012 77 FR 60915	Rescinded. Concept and similar language included in revised and locally adopted PART 020.200.
030.3101	Fuel Burning Equipment	08/27/1981 46 FR 43141	Rescinded.
030.3102	Incinerators	08/27/1981 46 FR 43141	Rescinded.
030.3103	Storage Tanks	08/27/1981 46 FR 43141	Rescinded.
030.3104	Processes	08/27/1981 46 FR 43141	Rescinded.

Table 3: 060 Regulation Differences from EPA Approved Regulation

District Citation	Title/Subject	EPA Approval Date and FR Notice	Explanation
060.010	Emergency Authority to Act	07/27/1972 37 FR 15080	Rescinded. Concept and similar language included in revised and locally adopted PARTS 020.100 and 050.001.
060.015	Sampling Stations and Air Sampling	07/27/1972 37 FR 15080	Rescinded. Addressed in the Region 9 EPA-approved Quality Assurance Project Plan (QAPP), Annual Network Plan, and 5-Year Network Assessment. Monitoring network within Washoe County meets all 40 CFR 58 requirements.
060.020	Reports	07/27/1972 37 FR 15080	Rescinded. Addressed in Region 9 EPA-approved (QAPP). Ambient air data reporting meets all 40 CFR 58 Subpart F requirements.
060.025	Continuing Program of Voluntary Cooperation	07/27/1972 37 FR 15080	Rescinded. Concept and similar language included in revised and locally adopted PART 050.001.

If you have any questions or comments regarding this submittal, feel free to contact Mr. Craig Petersen or me at 775-784-7200.

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Sincerely,

A handwritten signature in blue ink, reading "Francisco Vega", is placed below the word "Sincerely,".

Francisco Vega, P.E., MBA
Director, Air Quality Management Division
Northern Nevada Public Health

cc (via email): Danilo Dragoni, NDEP
Andrew Tucker, NDEP
Ken McIntyre, NDEP
Patricia Bobo, NDEP
Craig Petersen, AQMD
Benjamin McMullen, AQMD
Tom Kelly, EPA