schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance and that the schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order. In addition, the schedule of compliance must address requirements that become applicable during the term of the permit pursuant to section 70.5(c)(8)(iii)(B).

- (7) The progress report requirement in NAC 445.7114.1(h)(1) is vague and must be revised to more clearly meet the requirements of section 70.6(c)(4). EPA suggests adding the following language to NAC 445.7114.1(h)(1): "Requirements for [s]emiannual progress reports with dates for achieving milestones and dates when such milestones were achieved."
- (8) NDEP indicated in its program description that Class I permits may be issued to portable sources (program submittal, Section II, p.8). In order to satisfy the part 70 requirements for temporary sources, NDEP must add a requirement that the owner or operator of a Class I "portable source" (as defined in NAC 445.5695) notify NDEP at least 10 days in advance of each change in location. (section 70.6(e)(2))
- (9) Revise NAC 445.7114.1(g) to ensure that any trade under a federally enforceable emissions cap is preceded by a written notification to NDEP at least 7 days in advance of the trade. The notification must specify when the change will occur and include a description of the change in emissions that will result and how the increases and decreases will comply with the terms and conditions of the permit. (sections 70.4(b)(12) and 70.4(b)(12)(iii)(A))
- (10) Remove the phrase "Except as otherwise provided in subsection 2" from NAC 445.705.1, as it inaccurately suggests that major sources subject to either the New Source Performance Standard for new residential wood heaters or the National Emissions Standard for Hazardous Air Pollutants for asbestos demolition are not required to obtain title V operating permits.
- (11) Provide additional defining criteria that will ensure that NDEP's insignificant activities (i.e., activities exempt from part 70 permitting) are truly insignificant and are not likely to be subject to an applicable requirement. Alternatively, NDEP may restrict the exemptions to activities that are not likely to be subject to an applicable requirement or emit less than Stateestablished emission levels. NDEP should demonstrate that these emission levels are insignificant compared to the level of emissions from and type of

units that are required to be permitted or subject to applicable requirements.

This interim approval, which may not be renewed, extends for a period of up to two years. During the interim approval period, NDEP is protected from sanctions for failure to have a program, and EPA is not obligated to promulgate a federal permits program in the State. Permits issued under a program with interim approval have full standing with respect to part 70, and the one year time period for submittal of permit applications by subject sources begins upon interim approval, as does the three-year time period for processing the initial permit applications.

The scope of NDEP's part 70 program

that EPA proposes to approve in this notice would apply to all part 70 sources (as defined in the approved program) within NDEP's jurisdiction. The approved program would not apply to any part 70 sources over which an Indian tribe has jurisdiction. *See, e.g.,* 59 FR 55813, 55815–18 (Nov. 9, 1994). The term "Indian tribe" is defined under the Act as "any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is federally

1993).2. State Preconstruction Permit Program Implementing Section 112(g)

recognized as eligible for the special

programs and services provided by the

status as Indians." See section 302(r) of

the CAA; see also 59 FR 43956, 43962

(Aug. 25, 1994); 58 FR 54364 (Oct. 21,

United States to Indians because of their

The EPA has published an interpretive notice in the Federal Register regarding section 112(g) of the Act (60 FR 8333; February 14, 1995) that postpones the effective date of section 112(g) until after EPA has promulgated a rule addressing that provision. The interpretive notice also explains that EPA is considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the federal rule so as to allow states time to adopt rules implementing the federal rule, and that EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until EPA provides for such an additional postponement of section 112(g), NDEP must be able to implement section 112(g) during the period between promulgation of the federal section 112(g) rule and adoption of implementing State regulations.

Implementation of section 112(g) during this transition period requires states to have an available mechanism for establishing federally enforceable HAP emission limits or other conditions

from the effective date of the section 112(g) rule until they can adopt rules specifically designed to implement section 112(g). NDEP requires any source that constructs or modifies to obtain a permit or permit revision prior to commencing construction. As noted earlier, NDEP's program is an integrated program; that is, the permit that is issued to a new or modifying source prior to its construction will contain all preconstruction review requirements and all operating requirements. Integrated preconstruction/operating permits issued to major sources must meet all procedural requirements of part 70, including public and EPA review, and are therefore part 70 permits. In Nevada, sources subject to section 112(g) (new or modified major sources of hazardous air pollutants) will be issued a part 70 permit (i.e., a Class I permit) prior to construction. The State has authority to establish a MACT requirement for the source pursuant to NAC 445.7191 and 445.7193. The source will then have federally enforceable limits on HAP emissions in compliance with section 112(g). Once EPA promulgates a final section 112(g) rule, NDEP will act expeditiously to revise its hazardous air pollutant regulations to be consistent with the section 112(g) regulations.

3. Program for Delegation of Section 112 Standards as Promulgated

Requirements for approval, specified in 40 CFR section 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by EPA as they apply to part 70 sources. Section 112(1)(5) requires that the state's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, EPA is proposing to grant approval under section 112(l)(5) and 40 CFR section 63.91 of NDEP's program for receiving delegation of section 112 standards that are unchanged from federal standards as promulgated.

In a letter dated July 12, 1995, NDEP requested that EPA approve, in conjunction with the title V approval action, NDEP's program for receiving delegation of unchanged section 112 standards as they apply to nonmajor sources. Therefore, today's proposed approval under section 112(l)(5) and 40 CFR section 63.91 of NDEP's program for delegation extends to non-part 70 sources as well as part 70 sources. (See July 12, 1995 letter from Jolaine Johnson, Chief, Bureau of Air Quality,

NDEP to Debbie Jordan, Chief,