

operate off-road vehicles, including dirt bikes and ATVs, on open areas/vacant lots and remain in compliance with the regulation. Where motor vehicle trespass is occurring on vacant lots greater than 5,000 square feet, owners must take steps to prevent trespass and stabilize the surface. Even if motor vehicle use is authorized, where over 5,000 cumulative square feet of surface has been disturbed, owners/operators must apply dust palliative (other than water) or gravel. These requirements would apply to any public or private lands where offroad racing occurs.

The one public entity in Clark County that can effectively authorize use of public land for offroad racing events is the Bureau of Land Management. Clark County indicates that BLM is currently working to establish offroad racing courses outside the nonattainment area. The DAQM's policy prohibiting issuance of permits for offroad race tracks within the nonattainment area is described in a letter dated September 5, 2002 from the DAQM to the BLM and in letters from the DAQM to other public agencies dated September 9, 2002.

Clark County did not conduct a MSM evaluation specific to race tracks. Rather, the MSM evaluation for section 90 applies. We propose to find that the Clark County Plan provides for the implementation of BACM and for the inclusion of MSM for race tracks.

g. Section 0

Section 0 was revised by Clark County at the same time sections 90 through 94 were originally adopted (November 16, 2000). The section 0 definitions that concern fugitive dust sources are integrally linked to the requirements found in sections 90 through 94. However, section 0 also contains definitions that are not pertinent to sections 90 through 94. For the purposes of this action, we have only evaluated the definitions concerning fugitive dust sources per section 90 through 94 requirements and are proposing to approve only these sections into the SIP, rather than the entire section 0.

The individual sections of section 0, November 16, 2000, we are proposing to approve into the Nevada PM-10 SIP include the following:

Section 0.25 "Best Management Practices"
 Section 0.33 "Commercial and Residential Construction"
 Section 0.36 "Construction Activity"
 Section 0.37 "Control Measure"
 Section 0.43 "Disturbed Surface Area"
 Section 0.45 "Dust Palliative"
 Section 0.46 "Dust Suppressant"

Section 0.47 "Easement"
 Section 0.48 "Easement Holder"
 Section 0.51 "Emergency"
 Section 0.58 "EPA or Administrator"
 Section 0.65 "Flood Control Construction"
 Section 0.70 "Fugitive Dust"
 Section 0.81 "Hearing Officer"
 Section 0.84 "Highway Construction"
 Section 0.110 "Nonroad Easement"
 Section 0.111 "Normal Farm Cultural Practice"
 Section 0.114 "Offroad Vehicle"
 Section 0.117 "Open Areas and Vacant Lots"
 Section 0.120 "Owner and/or Operator"
 Section 0.127 "Pave"
 Section 0.132 "PM-10 Nonattainment Area"
 Section 0.133 "PM-10"
 Section 0.140 "Public Road"
 Section 0.141 "Reclaimed Water"
 Section 0.147 "Road Easement"
 Section 0.162 "Trench"
 Section 0.164 "Unpaved Parking Lot"
 Section 0.166 "Vacant Lot"

The current Nevada SIP contains a definitions rule titled "Section 1—Definitions" submitted on November 17, 1981 and approved into the SIP by EPA on June 21, 1982. Our proposed incorporation of the specified section 0 definitions into the SIP would upgrade the SIP by adding several new definitions and by replacing two of the existing section 1 definitions. These two definitions include section 0.70 "Fugitive Dust" and section 0.114 "Offroad Vehicle", which would replace subsection 1.35 and subsection 1.64 of section 1, respectively.

G. Applicable SIP Rules

In addition to section 1, the applicable SIP-approved fugitive dust rules that apply in Clark County include section 41 "Fugitive Dust" (submitted on July 24, 1979 and approved by EPA on August 27, 1981) and section 17 "Permission to Disturb Topsoil" (submitted on July 24, 1979 and approved by EPA on August 27, 1981). Revisions to section 17 were submitted on November 17, 1981 and approved by EPA on June 18, 1982.

We are proposing to revise the Nevada PM-10 SIP to incorporate sections 90, 91, 92, 93 (as adopted on November 20, 2001) and section 94 (including the Section 94 Handbook and other referenced documents) (as adopted on November 16, 2000) of the Clark County Regulations. We are proposing to replace SIP-approved Clark County section 17. We are also proposing to add certain portions of Section 0 (as adopted on November 16, 2000) to the existing SIP-approved section 1, and replace two

definitions in section 1, as previously identified in this notice.

CAA section 110(l) prohibits approval of SIP revisions that would interfere with any applicable requirement concerning attainment and RFP or any other applicable requirement of the Act. As discussed in other sections of this document, we are proposing to approve the expeditious attainment and RFP demonstrations in the PM-10 State Implementation Plan for Clark County. These demonstrations are in large part dependent on approval of sections 90, 91, 92, 93, and 94 (including Handbook) and Clark County SIP commitments. Therefore, our proposed approval of these rules and SIP commitments will not adversely affect the Plan's provisions for expeditious attainment and RFP. These SIP revisions also satisfy all other applicable CAA requirements including implementation of BACM and the inclusion of MSM.

H. General SIP Requirements and Enforcement of Fugitive Dust Rules

Section 110(a)(2)(E)(i) of the Clean Air Act requires that the implementation plan provide necessary assurances that the State (or the general purpose local government) will have adequate personnel, funding and authority under State law. Requirements for legal authority are further defined in 40 CFR part 51, subpart L (51.230–51.232) and for resources in 40 CFR 51.280.

States and responsible local agencies must demonstrate that they have the legal authority to adopt and enforce provisions of the SIP and to obtain information necessary to determine compliance. SIPs must also describe the resources that are available or will be available to the State and local agencies to carry out the plan, both at the time of submittal and during the 5-year period following submittal.

Section 110(a)(2)(C) of the Act requires SIPs to include a program to provide for the enforcement of SIP measures. The implementing regulation for this section is found at 40 CFR 51.111(a) and requires control strategies to include a description of enforcement methods including (1) procedures for monitoring compliance with each of the selected control measures, (2) procedures for handling violations, and (3) the designation of the agency responsible for enforcement.

Section 110(a)(2)(E)(iii) of the Act requires SIPs to include necessary assurances that where a State has relied on a local or regional government, agency or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring