

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 93009

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-052-93

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

For Filing Administrative
Regulations

For Emergency
Regulations Only

Effective Date _____

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Governor's Signature

**Environmental
Commission**

Classification [] Proposed [] Adopted By Agency [XX] Temporary [] Emergency []

Brief description of action: Petition 93009 (LCB R-052-93) permanently amends NAC 445.6605 of the air quality regulations to adopt by reference Title 40 CFR Part 60, New Source Performance Standards and Part 61, National Emission Standards. The amendment adds standards for small industrial-commercial-institutional steam generating units, municipal waste combustors, VOC emissions from polymer manufacturing, VOC emissions from synthetic organic chemical manufacturing, standards for calciners and dryers in the mineral industry, and benzene emissions from transfer and waste operations. The cost of related federal publications are made current by this amendment.

Authority citation other than 233B: NRS 445.461

Notice date:

Temporary - April 20, May 6, May 17 and May 19, 1993.

Permanent - August 24, September 8 and September 16, 1993

Hearing date:

Temporary - May 27, 1993

Permanent - September 22, 1993

Date of Adoption of Agency:

Temporary - May 27, 1993

Permanent - September 22, 1993

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 93009
LCB R-052-93**

The following statement is submitted for adopted permanent amendments to Nevada Administrative Code 445.6605.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 93009 was noticed seven (7) times: 4-20-93, 5-6-93, 5-17-93, 5-19-93, 8-24-93, 9-8-93 and 9-16-93 in the Las Vegas Review and Reno Gazette-Journal newspapers.

2. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1. No written comment was received prior to the hearing.

3. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The temporary regulations were adopted on May 27, 1993.

The permanent regulations were adopted at the SEC hearing on September 22, 1993 with no further public comment.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.

- a. There are no adverse or beneficial economic effects on the public or regulated sources.
- b. There are no immediate or long-term economic effects on regulated sources. There are no immediate or long-term economic effects on the public.

5. The estimated cost to the agency for enforcement of the proposed regulation.

There is no additional cost to the agency for enforcement of the proposed regulation.

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6. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary.

There are no other state or government agency regulations which the proposed amendments duplicate.

**CODIFIED PERMANENT REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION
LCB File No. R-052-93**

EXPLANATION--Matter in italics is new; matter in brackets [] is material to be omitted.

AUTHORITY: NRS 445.461

Section 1. NAC 445.6605 is hereby amended to read as follows:

445.6605 1. Title 40 C.F.R. §§ 51.100(hh) to 51.100(kk), inclusive, 51.100(nn) and 52.21 are hereby adopted by reference as they existed on July 1, [1991.] **1992.**

2. The following subparts of Title 40 C.F.R. Part 60 are hereby adopted by reference as they existed on July 1, [1991:] **1992:**

(a) Subpart A., General Provisions.

(b) Subpart D, Standards of Performance for Fossil-Fuel Fired Steam Generators for Which Construction is Commenced After August 17, 1971.

(c) Subpart Da, Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.

(d) *Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.*

(e) Subpart E, Standards of Performance for Incinerators.

[**(e)**] (**f**) *Subpart Ea, Standards of Performance for Municipal Waste Combustors.*

(g) Subpart F, Standards of Performance for Portland Cement Plants.

[**(f)**] (**h**) Subpart G, Standards of Performance for Nitric Acid Plants.

[**(g)**] (**i**) Subpart H, Standards of Performance for Sulfuric Acid Plants.

[**(h)**] (**j**) Subpart I, Standards of Performance for Asphalt Concrete Plants.

[**(i)**] (**k**) Subpart J, Standards of Performance for Petroleum Refineries.

This SEC temporary petition 93009 was previously adopted on 5-27-93 and became effective on 6-8-93 upon filing with the Secretary of State. This petition was adopted by the Environmental Commission as a permanent regulation on 9-22-93 and became effective on filing with the Secretary of State on 10-29-93. The language in this permanent regulation was prepared by the Legislative Counsel Bureau as R-052-93. Superseded on 12-13-93 by the filing of SEC Petition 94002, LCB R-138-93, CAA Operating Permit Program. **Codified June 1, 1994.**

[(j)] (l) Subpart K, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1972, and Prior to May 19, 1978.

[(k)] (m) Subpart Ka, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.

[(l)] (n) Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification commenced After July 23, 1984.

[(m)] (o) Subpart L, Standards of Performance for Secondary Lead Smelters.

[(n)] (p) Subpart M. Standards of Performance for Secondary Brass and Bronze Production Plants.

[(o)] (q) Subpart N, Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.

[(p)] (r) Subpart Na, Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.

[(q)] (s) Subpart O, Standards of Performance for Sewage Treatment Plants.

[(r)] (t) Subpart P, Standards of Performance for Primary Copper Smelters.

[(s)] (u) Subpart Q, Standards of Performance for Primary Zinc Smelters.

[(t)] (v) Subpart R, Standards of Performance for Primary Lead Smelters.

[(u)] (w) Subpart S, Standards of Performance for Primary Aluminum Reduction Plants.

[(v)] (x) Subpart T, Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

[(w)] (y) Subpart U, Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

[(x)] (z) Subpart V, Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.

[(y)] (aa) Subpart W, Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.

[(z)] (bb) Subpart X, Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.

[(aa)] (cc) Subpart Y, Standards of Performance for Cool Preparation Plants.

[(bb)] (dd) Subpart Z, Standards of Performance for Ferroalloy Production Facilities.

[(cc)] (ee) Subpart AA, Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983.

[(dd)] (ff) Subpart AAa, Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.

[(ee)] (gg) Subpart BB, Standards of Performance for Kraft Pulp Mills.

[(ff)] (hh) Subpart CC, Standards of Performance for Glass Manufacturing Plants.

[(gg)] (ii) Subpart DD, Standards of Performance for Grain Elevators.

[(hh)] (jj) Subpart EE, Standards of Performance for Surface Coating of Metal Furniture.

[(ii)] (kk) Subpart GG, Standards of Performance for Stationary Gas Turbines.

[(jj)] (ll) Subpart HH, Standards of Performance for Lime Manufacturing Plants.

[(kk)] (mm) Subpart KK, Standards of Performance for Lead-Acid Battery Manufacturing Plants

[(ll)] (nn) Subpart LL, Standards of Performance for Metallic Mineral Processing Plants.

[(mm)] (oo) Subpart MM, Standards of Performance for Automobile and Light-Duty Truck Surface Coating Operations.

[(nn)] (pp) Subpart NN, Standards of Performance for Phosphate Rock Plants.

[(oo)] (qq) Subpart PP, Standards of Performance for Ammonium Sulfate Manufacture.

[(pp)] (rr) Subpart QQ, Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.

[(qq)] (ss) Subpart RR, Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.

[(rr)] (tt) Subpart SS, Standards of Performance for Industrial Surface Coating: Large Appliances.

[(ss)] (uu) Subpart TT, Standards of Performance for Metal Coil Surface Coating.

[(tt)] (vv) Subpart UU, Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.

[(uu)] (ww) Subpart VV, Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.

[(vv)] (xx) Subpart WW, Standards of Performance for the Beverage Can Surface Coating Industry.

[(ww)] (yy) Subpart XX, Standards of Performance for Bulk Gasoline Terminals.

[(xx)] (zz) *Subpart DDD, Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.*

(aaa) Subpart FFF, Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.

[(yy)] (bbb) Subpart GGG, Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.

[(zz)] (ccc) Subpart HHH, Standards of Performance for Synthetic Fiber Production Facilities.

[(aaa)] (ddd) *Subpart III, Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.*

(eee) Subpart JJJ, Standards of Performance for Petroleum Dry Cleaners.

[(bbb)] (fff) Subpart KKK, Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.

[(ccc)] (ggg) Subpart LLL, Standards of Performance for Onshore Natural Gas Processing: SO₂ Emissions.

[(ddd)] (hhh) *Subpart NNN, Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.*

(iii) Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

[(eee)] (jjj) Subpart PPP, Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants.

3. Title 40 C.F.R. Part 60, Subpart UUU, Standards of Performance for Calciners and Dryers in Mineral Industries, is hereby adopted by reference as it existed on September 28, 1992. A copy of Subpart UUU may be obtained free of charge from the Nevada Bureau of Air Quality, 333 West Nye Lane, Carson City, Nevada 89710.

4. The following subparts of Title 40 C.F.R. Part 61 are hereby adopted by reference as they existed on July 1, **[1991:] 1992:**

(a) Subpart A, General Provisions.

(b) Subpart C, National Emission Standard for Beryllium.

- (c) Subpart D, National Emission Standard for Beryllium Rocket Motor Firing.
- (d) Subpart E, National Emission Standard for Mercury.
- (e) Subpart F, National Emission Standard for Vinyl Chloride.

[4. A]

(f) Subpart BB, National Emission Standard for Benzene Emissions from Benzene Transfer Operations.

(g) Subpart FF, National Emission Standard for Benzene Waste Operations.

5. ***Except as otherwise provided in subsection 3, a*** copy of the publications which contain these provision may be obtained from the:

(a) Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, or 450 Golden Gate Avenue, Room 1023, San Francisco, California 94102. The price is:

| | |
|--|----------------------|
| (1) For §§ 51.100(hh) to 51.100(kk), inclusive, and 51.100(nn) | [27] \$31 |
| (2) For § 52.21 | [28] 33 |
| (3) For Part 60 | [31] 36 |
| (4) For Part 61 | [14] 16 |

(b) State library and archives for 15 cents per page.

[5.] 6. For purposes of the provisions of Parts 60 and 61, Chapter I, Title 40, Code of Federal Regulations adopted pursuant to this section, the director may not approve alternate or equivalent test methods or alternative standards or work practices.

[6.] 7. The provisions adopted by reference in this section supersede the requirements of NAC 445.430 to 445.846, inclusive, for all sources subject to the provisions adopted by reference only if those requirements adopted by reference are more stringent.

[7.] 8. For the purposes of this section, "administrator" as used in the provisions of Parts 60 and 61, Chapter I, Title 40, Code of Federal Regulations adopted pursuant to this

section means the director.

END OF PETITION 94009 (LCB R-052-93)

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Codified June 1, 1994.