

**NEVADA DEPARTMENT OF  
CONSERVATION & NATURAL RESOURCES**

**STATE ENVIRONMENTAL COMMISSION**

**HEARING ARCHIVES FOR**

**REGULATORY PETITIONS**

**COMMISSION PETITION NO. 95004**

**LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. Temporary (See 95010)**

**DOCUMENTS INCLUDED IN THIS FILE:**

**YES SECRETARY OF STATE FILING FORM**

**YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B**

**REGULATORY PETITIONS**

**ORIGINAL DRAFTED BY COMMISSION**

**YES ADOPTED BY COMMISSION**

**AS FILED AND CODIFIED BY LCB**

Secretary of State  
Filing Data

For Filing Administrative  
Regulations

For Emergency  
Regulations Only

Effective Date \_\_\_\_\_

Expiration Date \_\_\_\_\_

\_\_\_\_\_  
Governor's Signature

### Nevada State Environmental Commission

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

**Brief description of action:** Petition 95004 temporarily amends NAC 445B.221 by the adoption by reference of the provisions of 40 C.F.R. Part 72, the acid rain provisions of the Clean Air Act. This temporary regulation extends the Title V Operating Permit program provisions to cover sources that could potentially be regulated by the federal acid rain program.

**Authority citation other than 233B:** NRS 445.461

**Notice date:** January 18; January 25 and February 2, 1995

**Hearing date:** February 16, 1995

**Date of Adoption of Agency:** February 16, 1995

**LEGISLATIVE REVIEW OF ADOPTED TEMPORARY REGULATIONS AS REQUIRED  
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
PETITION 95004**

The following statement is submitted for adopted temporary amendments to Nevada Administrative Code (NAC) Section 445B.

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 95004 was noticed three (3) times: 1-18-95, 1-25-95 and 2-02-95 in the Las Vegas Review and Reno Gazette-Journal newspapers. One public comment was received. See below for the discussion on the petition comments.

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 and by direct mail to interested persons subscribing to the Commission's mailing list. Written comments were received from Nevada Power Company prior to the hearing. The comments expressed approval to adopt the Federal Acid Rain provisions of 40 C.F.R. Part 72 as necessary in order that the state receive EPA approval for the entirety of its 40 C.F.R. Part 70 permitting program. A copy of the written comments may be obtained by calling the State Environmental Commission - (702) 687-4670.

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

The temporary regulation was adopted at the State Environmental Commission hearing on February 16, 1995 without any change.

4. The estimated economic effect of the adopted temporary 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. The proposed amendments only impact those sources which emit pollutants acid rain pollutants (sulfur dioxide and oxides of nitrogen) in significant quantities and will result in increased monitoring efforts on the part of the affected sources. Applicability is generally limited to fossil fuel fired electric generating units. Since the acid rain provisions are requirements of the federal Clean Air Act, these sources will be subject to these provisions at the federal level if no action is taken by the State regulatory agency.

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- b. The amendments may result in increased rate costs to electricity consumers as implementation costs may be passed along by the electric generating companies. However, because this is already a federal requirement for electric utilities subject to the acid rain provisions of the Clean Air Act, no additional impact is expected as a result of this regulation amendment.

- 5. The estimated cost to the agency for enforcement of the adopted temporary regulation.

There is no additional cost to the agency for enforcement.

- 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.

The amendment does not duplicate or overlap any existing regulations of the State of Nevada and merely adopts by reference the provisions of Title 40 of the Code of Federal Regulations Part 72 et. seq.

ADOPTED TEMPORARY REGULATION OF THE  
NEVADA STATE ENVIRONMENTAL COMMISSION

Petition 95004

Explanation: Matter in *italics* is new language. Matter in [ ] is matter to be deleted.

AUTHORITY: NRS 445.461

Section 1. Chapter 445B.221 is hereby amended to read as follows:

**445B.221 Adoption by reference of provisions of federal law and regulations.**

1. Title 40 C.F.R. §§ 51.100(s), 51.100(hh) to 51.100 (kk), inclusive, 51.100(nn) and 51.165, and 52.21 and Appendix S of Title 40 C.F.R. Part 51 are hereby adopted by reference as they existed on July 1, 1993.

2. The following subparts of Title 40 C.F.R. Part 60 are hereby adopted by reference as they existed on July 1, 1993:

(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.

(f) Subpart Ea, Standards of Performance for Municipal Waste Combustors.

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

(h) Subpart G, Standards of Performance for Nitric Acid Plants.

(i) Subpart H, Standards of Performance for Sulfuric Acid Plants.

(j) Subpart I, Standards of Performance for Asphalt Concrete Plants.

(k) Subpart J, Standards of Performance for Petroleum Refineries.

(l) Subpart K, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.

(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.

- (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.
- (o) Subpart L, Standards of Performance for Secondary Lead Smelters.
- (p) Subpart M, Standards of Performance for Secondary Brass and Bronze Production Plants.
- (q) Subpart N, Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.
- (r) Subpart Na, Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.
- (s) Subpart O, Standards of Performance for Sewage Treatment Plants.
- (t) Subpart P, Standards of Performance for Primary Copper Smelters.
- (u) Subpart Q, Standards of Performance for Primary Zinc Smelters.
- (v) Subpart R, Standards of Performance for Primary Lead Smelters.
- (w) Subpart S, Standards of Performance for Primary Aluminum Reduction Plants.
- (x) Subpart T, Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
- (y) Subpart U, Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
- (z) Subpart V, Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants: Diammonium Phosphate Plants.
- (aa) Subpart W, Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.
- (bb) Subpart X, Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
- (cc) Subpart Y, Standards of Performance for Cool Preparation Plants.
- (dd) Subpart Z, Standards of Performance for Ferroalloy Production Facilities.
- (ee) Subpart AA, Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983.
- (ff) Subpart AAa, Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.
- (gg) Subpart BB, Standards of Performance for Kraft Pulp Mills.
- (hh) Subpart CC, Standards of Performance for Glass Manufacturing Plants.
- (ii) Subpart DD, Standards of Performance for Grain Elevators.
- (jj) Subpart EE, Standards of Performance for Surface Coating of Metal Furniture.
- (kk) Subpart GG, Standards of Performance for Stationary Gas Turbines.
- (ll) Subpart HH, Standards of Performance for Lime Manufacturing Plants.
- (mm) Subpart KK, Standards of Performance for Lead-Acid Battery Manufacturing Plants.
- (nn) Subpart LL, Standards of Performance for Metallic Mineral Processing Plants.
- (oo) Subpart MM, Standards of Performance for Automobile and Light-Duty Truck Surface Coating Operations.
- (pp) Subpart NN, Standards of Performance for Phosphate Rock Plants.
- (qq) Subpart PP, Standards of Performance for Ammonium Sulfate Manufacture.
- (rr) Subpart QQ, Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.
- (ss) Subpart RR, Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
- (tt) Subpart SS, Standards of Performance for Industrial Surface Coating: Large Appliances.

- (uu) Subpart TT, Standards of Performance for Metal Coil Surface Coating.
  - (vv) Subpart UU, Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.
  - (ww) Subpart VV, Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
  - (xx) Subpart WW, Standards of Performance for the Beverage Can Surface Coating Industry.
  - (yy) Subpart XX, Standards of Performance for Bulk Gasoline Terminals.
  - (zz) Subpart DDD, Standards of Performance for Volatile Organize Compound (VOC) Emissions from the Polymer Manufacturing Industry.
  - (aaa) Subpart FFF, Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.
  - (bbb) Subpart GGG, Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.
  - (ccc) Subpart HHH, Standards of Performance for Synthetic Fiber Production Facilities.
  - (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.
  - (fff) Subpart KKK, Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
  - (ggg) Subpart LLL, Standards of Performance for Onshore Natural Gas Processing: SO<sub>2</sub> Emissions.
  - (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.
  - (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, 1993.
- (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.
  - (f) Subpart BB, National Emission Standard for Benzene Emissions from Benzene Transfer Operations.
  - (g) Subpart FF, National Emission Standard for Benzene Waste Operations.
5. Title 42 of the United States Code, section 7412(b), List of Hazardous Air Pollutants, is hereby adopted by reference as it existed on November 3, 1993.
6. The "Standard Industrial Classification Manual," 1987 edition, published by the United States Office of Management and Budget, is hereby adopted by reference. A copy of the manual may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, or 450 Golden Gate Avenue, Room 1023, San Francisco, California 94102 for the price of \$24.
- 7. Title 40 C.F.R. §§72 is hereby adopted by reference as it exists on February 16, 1995. If the provisions or requirements of 40 CFR Part 72 conflict with or are not included in NAC 445B.001 to 445B.395, inclusive, the Part 72 provisions and requirements shall apply and take precedence.**

[ 7.] 8. Except as otherwise provided in subsections 3 and 6, a copy of the publications which contain these provisions 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(s) to 51.100(hh) to 51.100(kk), inclusive,  
and 51.100 (nn) ..... \$31
  - (2) For Part 51, Appendix S ..... 33
  - (3) For § 51.165 ..... 33
  - (4) For § 52.21 ..... 33
  - (5) For Part 60 ..... 36
  - (6) For Part 61 ..... 16
- (b) Division of state library and archives for 15 cents per page.

[8.] **9.** For the 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.

[9.] **10.** The provisions adopted by reference in this section supersede the requirements of NAC 445B.001 to 445B.395, inclusive, for all sources subject to the provisions adopted by reference only if those requirements adopted by reference are more stringent.

[10.] **11.** 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 95004