

1                                   **PROPOSED REGULATION OF THE STATE**

2                                   **ENVIRONMENTAL COMMISSION**

3                                   **Petition P 2003-07   LCB File No. R198-03**

4                                   February 03, 2004

5   EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted, and matters that are highlighted,  
6 *bolded and italicized* represent changes to the Petition made after LCB’s final review.

7  
8   AUTHORITY:   §§1-16, NRS 445B.210 and 445B.300.

9  
10       **Section 1.** NAC 445B.2202 is hereby amended to read as follows:

11       445B.2202 NAC 445B.22017 and 445B.22023 do not apply to:

12       1. Smoke from the open burning described in NAC 445B.22067;

13       2. Smoke discharged in the course of training air pollution control inspectors to observe  
14 visible emissions, if the facility has written approval of the Commission;

15       3. Emissions from an incinerator as set forth in NAC 445B.2207;

16       4. Emissions of stationary diesel-powered engines during warmup for not longer than 15  
17 minutes to achieve operating temperatures; or

18       5. Emission from a steam generating unit fired by fossil fuel or wood for boiler lancing or  
19 soot blowing, not to exceed 180 minutes in any 24 consecutive hours. *The provisions of this*  
20 *subsection expire by limitation on March 1, 2006.*

21       **Sec. 2.** NAC 445B.22023 is hereby amended to read as follows:

22       445B.22023 1. ~~This~~ *The provisions of this* section and NAC 445B.22017 and 445B.2202  
23 apply to any coal-fired steam generating facility used to produce electricity with an equipment

24 manufacturer's guarantee or demonstrated capability of more than  $7,936 \times 10^6$  Btu ( $2,000 \times 10^6$   
25 kg-cal) per hour of heat input which existed before 1972.

26 2. Each coal-fired steam generating unit at a facility must not discharge any particulate  
27 matter which exceeds an average opacity of 30 percent for any 6-minute period contained in any  
28 hour as measured in the emissions stack of the facility in the manner described in subsection 3.

29 3. The opacity of the particulate matter must be averaged over each 6-minute period and  
30 recorded 10 times per hour. The initial 6-minute period for each hour must begin on the hour.  
31 The average opacity for each 6-minute period must be recorded after the expiration of that  
32 period.

33 *4. During the interim compliance period specified in 40 C.F.R. §52.1488(d), each coal-fired*  
34 *steam generating unit at a facility must comply with the opacity provisions of 40 C.F.R.*  
35 *§52.1488(d).*

36 **Sec. 3.** NAC 445B.2207 is hereby amended to read as follows:

37 445B.2207 1. Except as provided in subsection 6:

38 (a) Burning in any incinerator other than the multiple chamber type ~~for as approved by the~~  
39 ~~Director~~ is prohibited.

40 (b) Incinerator burning which produces, for periods totaling 1 minute in 1 hour, a visible  
41 emission which is of an opacity equal to or greater than 20 percent is prohibited.

42 2. Incinerators used for the burning of pathological wastes, wet garbage or high moisture  
43 content material must be high temperature types with either grate or solid hearth construction,  
44 drying shelves for wet wastes, and an auxiliary heating unit to ensure temperatures of  $1400^{\circ}\text{F}$   
45 ( $760^{\circ}\text{C}$ ) for not less than 0.3 of a second. The hearth must be frequently cleaned at regular  
46 intervals to prevent buildup of residues and deposits.

47 3. The rated burning capacity, operating and maintenance procedures approved by the  
48 Director must be posted conspicuously at or near the incinerator.

49 4. Allowable PM<sub>10</sub> emissions from incinerators of less than 2,000 lb per hour rated burning  
50 capacity may not exceed 1.8 lb/ton of dry refuse charged.

51 5. Allowable PM<sub>10</sub> emissions from incinerators equal to or greater than 2,000 lb per hour  
52 burning capacity must be calculated using the following equation:

53

$$54 E = 0.6 (40.7 \times 10^{-5}C)$$

55

56 For the purposes of this subsection, “E” means the maximum allowable rate of emission of PM<sub>10</sub>  
57 in pounds per hour and “C” means the rate of charge of dry refuse in pounds per hour.

58 6. Single chamber incinerators at single-family residences, in all areas of the State, except in  
59 and within 1 mile of the boundaries of the following cities, towns and areas: Babbitt, Battle  
60 Mountain, Caliente, Carlin, East Ely, Elko, Ely, Fallon, Fernley, Gabbs, Gardnerville,  
61 Gardnerville Ranchos, Genoa, Hawthorne, Johnson Lane, Lovelock, McGill, Minden, Tonopah,  
62 Topaz Ranch Estates, Virginia City, Weed Heights, Wells, Winnemucca and Yerington; and on  
63 the Nevada side of the Tahoe Basin, in Carson City and in those portions of Douglas and Lyon  
64 counties that are within 1 mile of the Carson City line, unless otherwise prohibited by local  
65 ordinances or regulations, are exempt from the provisions of this section.

66 **Sec. 4.** NAC 445B.22097 is hereby amended to read as follows:

67 445B.22097 1. The table contained in this **sub**section lists the minimum standards of quality  
68 for ambient air.

69

		NEVADA STANDARDS <sup>A</sup>		NATIONAL STANDARDS <sup>B</sup>		
POLLUTANT	AVERAGING TIME	CONCENTRATION <sup>C</sup>	METHOD <sup>D</sup>	PRIMARY <sup>C, E</sup>	SECONDARY <sup>C, F</sup>	METHOD <sup>D</sup>
Ozone	1 hour	0.12 ppm (235 µg/m <sup>3</sup> )	<del>Chemiluminescence</del> Ultraviolet absorption	0.12 ppm (235 µg/m <sup>3</sup> )	Same as primary	Chemiluminescence
Ozone-Lake Tahoe Basin, #90	1 hour	0.10 ppm (195 µg/m <sup>3</sup> )	<del>Chemiluminescence</del> Ultraviolet absorption	--	--	--
Carbon monoxide less than 5,000' above mean sea level	8 hours	9 ppm <del>(10,000 µg/m<sup>3</sup>)</del> (10,500 µg/m <sup>3</sup> )	Nondispersive infrared photometry	9 ppm <del>(10,000 µg/m<sup>3</sup>)</del> 10 mg/m <sup>3</sup>	None	Nondispersive infrared photometry
At or greater than 5,000' above mean sea level		6 ppm <del>(6,670 µg/m<sup>3</sup>)</del> (7,000 µg/m <sup>3</sup> )				
Carbon monoxide at any elevation		1 hour				
Nitrogen dioxide	Annual arithmetic mean	0.053 ppm (100 µg/m <sup>3</sup> )	Gas phase chemiluminescence	0.053 ppm (100 µg/m <sup>3</sup> )	Same as primary	Gas phase chemiluminescence
Sulfur dioxide	Annual arithmetic mean	<del>0.03 ppm</del> 0.030 ppm (80 µg/m <sup>3</sup> )	Ultraviolet fluorescence	<del>0.03 ppm</del> 0.030 ppm <del>(80 µg/m<sup>3</sup>)</del>	None	<del>Pararosaniline method</del> Spectrophotometry (Pararosaniline method)
	24 hours	0.14 ppm (365 µg/m <sup>3</sup> )		0.14 ppm <del>(365 µg/m<sup>3</sup>)</del>		
	3 hours	0.5 ppm (1,300 µg/m <sup>3</sup> )		None <del>(1,300 µg/m<sup>3</sup>)</del>		
Particulate matter as PM <sub>10</sub> <sup>(C)</sup>	Annual arithmetic mean	50 µg/m <sup>3</sup>	High volume PM <sub>10</sub> sampling	50 µg/m <sup>3</sup>	Same as primary	High volume PM <sub>10</sub> sampling
	24 hours	150 µg/m <sup>3</sup>		150 µg/m <sup>3</sup>		
			High volume sampling, acid			High volume sampling, acid

		NEVADA STANDARDS <sup>A</sup>		NATIONAL STANDARDS <sup>B</sup>		
POLLUTANT	AVERAGING TIME	CONCENTRATION <sup>C</sup>	METHOD <sup>D</sup>	PRIMARY <sup>C, E</sup>	SECONDARY <sup>C, F</sup>	METHOD <sup>D</sup>
Lead (Pb)	Quarterly arithmetic mean	1.5 µg/m <sup>3</sup>	extraction and atomic absorption spectrometry	1.5 µg/m <sup>3</sup>	Same as primary	extraction and atomic absorption spectrometry
<del>{Visibility}</del>	<del>{Observation}</del>	<del>{In-sufficient amount to reduce the prevailing visibility to less than 30 miles when humidity is less than 70%}</del>	<del>{Observer or camera}</del>	--	--	--
<del>{Hydrogen sulfide}</del>	<del>{1-hour}</del>	<del>{0.08 ppm (12 µg/m<sup>3</sup>)}</del>	<del>{Cadmium hydroxide extract method}</del>	--	--	--

70

71 Notes:

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73 Note A: ~~{These standards}~~ *The Nevada standards are used to assist in determining whether to*  
74 *issue, deny, revoke and reissue, reopen and revise, or terminate a permit and* must not be  
75 exceeded in areas where the general public has access. *They are not to be used in*  
76 *determinations of attainment or nonattainment.*

77 Note B: These standards, other than for ozone, particulate matter, and those based on annual  
78 averages, must not be exceeded more than once per year. The 1-hour ozone standard is attained  
79 when the expected number of days per calendar year with a maximum hourly average  
80 concentration above the standard is equal to or less than one. The PM<sub>10</sub> 24-hour standard is  
81 attained when the expected number of days per calendar year with a 24-hour average  
82 concentration above the standard, rounded to the nearest 10 µg/m<sup>3</sup>, is equal to or less than one.  
83 The expected number of days per calendar year is generally based on an average of the number  
84 of times the standard has been exceeded per year for the last 3 years.

85 Note C: Where applicable, concentration is expressed first in units in which it was adopted. All  
86 measurements of air quality that are expressed as mass per unit volume, such as micrograms per  
87 cubic meter, must be corrected to a reference temperature of 25°C and a reference pressure of  
88 760 mm of Hg (1,013.2 millibars); ~~ppm~~ “ppm” in this table refers to ~~ppm~~ *parts per million*  
89 by volume, or micromoles of regulated air pollutant per mole of gas ~~+~~; “ $\mu\text{g}/\text{m}^3$ ” refers to  
90 *micrograms per cubic meter*.

91 Note D: Any reference method specified in accordance with 40 C.F.R. Part 50 or any reference  
92 method or equivalent method designated in accordance with 40 C.F.R. Part 53 may be  
93 substituted.

94 Note E: National primary standards are the levels of air quality necessary, with an adequate  
95 margin of safety, to protect the public health.

96 Note F: National secondary standards are the levels of air quality necessary to protect the public  
97 welfare from any known or anticipated adverse effects of a regulated air pollutant.

98 ~~Note G: For the purposes of this section, prevailing visibility means the greatest visibility which~~  
99 ~~is attained or surpassed around at least half of the horizon circle, but not necessarily in~~  
100 ~~continuous sectors.~~

101 ~~Note H: The ambient air quality standard for hydrogen sulfide does not include naturally~~  
102 ~~occurring background concentrations.~~

103

104 ~~—2. All values are corrected to reference conditions.~~

105 ~~—3. As used in this section:~~

106 ~~—(a) “ $\mu\text{g}/\text{m}^3$ ” means micrograms per cubic meter.~~

107 ~~—(b) “ppm” means part per million by volume.~~

108 —4.1 2. *The table contained in this subsection lists the minimum Nevada standard of quality*  
109 *for hydrogen sulfide in ambient air.*

110

<i>NEVADA STANDARD<sup>A</sup></i>			
<i>POLLUTANT</i>	<i>AVERAGING TIME</i>	<i>CONCENTRATION<sup>B,C</sup></i>	<i>METHOD<sup>D</sup></i>
<i>Hydrogen sulfide</i>	<i>1 hour</i>	<i>0.08 ppm</i> <i>(112 µg/m<sup>3</sup>)</i>	<i>Ultraviolet</i> <i>fluorescence method</i>

111

112 *Notes:*

113

114 *Note A: These standards must not be exceeded in areas where the general public has access.*

115 *Note B: All measures of air quality that are expressed as mass per unit volume, such as*

116 *micrograms per cubic meter, must be corrected to a reference temperature of 25°C and a*

117 *reference pressure of 760 mm of Hg (1,013.2 millibars). In this table “ppm” refers to parts per*

118 *million by volume, or micromoles of regulated air pollutant per mole of gas; “µg/m<sup>3</sup>” refers to*

119 *micrograms per cubic meter.*

120 *Note C: The ambient air quality standard for hydrogen sulfide does not include naturally*

121 *occurring background concentrations.*

122 *Note D: Any reference method specified in accordance with 40 C.F.R. Part 50 or any*

123 *reference method or equivalent method designated in accordance with 40 C.F.R. Part 53 may*

124 *be substituted.*

125 3. These standards of quality for ambient air are minimum goals, and it is the intent of the  
126 Commission in this section to protect the existing quality of Nevada's air to the extent that it is  
127 economically and technically feasible.

128 **Sec. 5.** NAC 445B.221 is hereby amended to read as follows:

129 445B.221 1. Title 40 C.F.R. §§ 51.100(s), 51.100(hh) to 51.100(kk), inclusive, 51.100(nn),  
130 51.165 and 52.21, and Appendix S and Appendix W of Title 40 C.F.R. Part 51 are hereby  
131 adopted by reference as they existed on July 1, ~~2000.~~ 2002.

132 2. The following subparts of Title 40 C.F.R. Part 60 are hereby adopted by reference as they  
133 existed on July 1, ~~2000.~~ 2003:

134 (a) Subpart A, ~~General Provisions.~~ *except §§ 60.4, 60.8(b)(3) and 60.11(e).*

135 (b) Subparts C, *Cb, Cc, Cd, Ce, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, H, I, J, K, Ka, Kb, L, M,*  
136 *N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, CC, DD, EE, GG, HH, KK, LL, MM,*  
137 *NN, PP, QQ, RR, SS, TT, UU, VV, WW, XX, AAA, BBB, DDD, FFF, GGG, HHH, III, JJJ,*  
138 *KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV, WWW and AAAA .* †

139 ~~Emission Guidelines and Compliance Times.~~

140 ~~(c) Subpart Cb. †, Emission Guidelines and Compliance Times for Large Municipal Waste~~  
141 ~~Combustors That Are Constructed On or Before September 20, 1994.~~

142 ~~(d) Subpart Ce. †, Emission Guidelines and Compliance Times for Municipal Solid Waste~~  
143 ~~Landfills.~~

144 ~~(e) Subpart Cd. †, Emission Guidelines and Compliance Times for Sulfuric Acid Production~~  
145 ~~Units.~~

146 ~~(f) Subpart Ce. †, Emission Guidelines for Hospital/Medical/Infectious Waste Incinerator.~~



- 147 — ~~(g) Subpart D. [ Standards of Performance for Fossil Fuel Fired Steam Generators for~~  
148 ~~Which Construction is Commenced After August 17, 1971.]~~
- 149 — ~~(h) Subpart Da. [ Standards of Performance for Electric Utility Steam Generating Units for~~  
150 ~~Which Construction is Commenced After September 18, 1978.]~~
- 151 ~~(i) Subpart Db. [ Standards of Performance for Industrial-Commercial-Institutional Steam~~  
152 ~~Generating Units.]~~
- 153 ~~(j) Subpart Dc. [ Standards of Performance for Small Industrial-Commercial-Institutional~~  
154 ~~Steam Generating Units.]~~
- 155 ~~(k) Subpart E. [ Standards of Performance for Incinerators.]~~
- 156 ~~(l) Subpart Ea. [ Standards of Performance for Municipal Waste Combustors for Which~~  
157 ~~Construction is Commenced After December 20, 1989, and On or Before September 20, 1994.]~~
- 158 — ~~(m) Subpart Eb. [ Standards of Performance for Large Municipal Waste Combustors for~~  
159 ~~Which Construction is Commenced After September 20, 1994, or for Which Modification or~~  
160 ~~Reconstruction is Commenced After June 19, 1996.]~~
- 161 ~~(n) Subpart Ec. [ Standards of Performance for Hospital/Medical/Infectious Waste~~  
162 ~~Incinerators for Which Construction is Commenced After June 20, 1996.]~~
- 163 ~~(o) Subpart F. [ Standards of Performance for Portland Cement Plants.]~~
- 164 ~~(p) Subpart G. [ Standards of Performance for Nitric Acid Plants.]~~
- 165 — ~~(q) Subpart H. [ Standards of Performance for Sulfuric Acid Plants.]~~
- 166 — ~~(r) Subpart I. [ Standards of Performance for Hot Mix Asphalt Facilities.]~~
- 167 — ~~(s) Subpart J. [ Standards of Performance for Petroleum Refineries.]~~

168 — ~~(t) Subpart K. [, Standards of Performance for Storage Vessels for Petroleum Liquids for~~  
169 ~~Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and~~  
170 ~~Prior to May 19, 1978.]~~

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

174 ~~(v) Subpart Kb. [, Standards of Performance for Volatile Organic Liquid Storage Vessels~~  
175 ~~(Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or~~  
176 ~~Modification Commenced After July 23, 1984.]~~

177 — ~~(w) Subpart L. [, Standards of Performance for Secondary Lead Smelters.]~~

178 ~~(x) Subpart M. [, Standards of Performance for Secondary Brass and Bronze Production~~  
179 ~~Plants.]~~

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

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

184 — ~~(aa) Subpart O. [, Standards of Performance for Sewage Treatment Plants.]~~

185 ~~(bb) Subpart P. [, Standards of Performance for Primary Copper Smelters.]~~

186 — ~~(cc) Subpart Q. [, Standards of Performance for Primary Zinc Smelters.]~~

187 ~~(dd) Subpart R. [, Standards of Performance for Primary Lead Smelters.]~~

188 ~~(ee) Subpart S. [, Standards of Performance for Primary Aluminum Reduction Plants.]~~

189 ~~(ff) Subpart T. [, Standards of Performance for the Phosphate Fertilizer Industry: Wet-~~  
190 ~~Process Phosphoric Acid Plants.]~~

- 191 ~~(gg) Subpart U. [, Standards of Performance for the Phosphate Fertilizer Industry:~~  
192 ~~Superphosphoric Acid Plants.]~~
- 193 ~~—(hh) Subpart V. [, Standards of Performance for the Phosphate Fertilizer Industry:~~  
194 ~~Diammonium Phosphate Plants.]~~
- 195 ~~(ii) Subpart W. [, Standards of Performance for the Phosphate Fertilizer Industry: Triple~~  
196 ~~Superphosphate Plants.]~~
- 197 ~~—(jj) Subpart X. [, Standards of Performance for the Phosphate Fertilizer Industry: Granular~~  
198 ~~Triple Superphosphate Storage Facilities.]~~
- 199 ~~(kk) Subpart Y. [, Standards of Performance for Coal Preparation Plants.]~~
- 200 ~~(ll) Subpart Z. [, Standards of Performance for Ferroalloy Production Facilities.]~~
- 201 ~~(mm) Subpart AA. [, Standards of Performance for Steel Plants: Electric Arc Furnaces~~  
202 ~~Constructed After October 21, 1974, and On or Before August 17, 1983.]~~
- 203 ~~—(nn) Subpart AAa. [, Standards of Performance for Steel Plants: Electric Arc Furnaces and~~  
204 ~~Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983.]~~
- 205 ~~(oo) Subpart BB. [, Standards of Performance for Kraft Pulp Mills.]~~
- 206 ~~(pp) Subpart CC. [, Standards of Performance for Glass Manufacturing Plants.]~~
- 207 ~~(qq) Subpart DD. [, Standards of Performance for Grain Elevators.]~~
- 208 ~~(rr) Subpart EE. [, Standards of Performance for Surface Coating of Metal Furniture.]~~
- 209 ~~—(ss) Subpart GG. [, Standards of Performance for Stationary Gas Turbines.]~~
- 210 ~~(tt) Subpart HH. [, Standards of Performance for Lime Manufacturing Plants.]~~
- 211 ~~—(uu) Subpart KK. [, Standards of Performance for Lead-Acid Battery Manufacturing Plants.]~~
- 212 ~~(vv) Subpart LL. [, Standards of Performance for Metallic Mineral Processing Plants.]~~

- 213 ~~(ww) Subpart MM. [, Standards of Performance for Automobile and Light Duty Truck~~
- 214 ~~Surface Coating Operations.]~~
- 215 ~~(xx) Subpart NN. [, Standards of Performance for Phosphate Rock Plants.]~~
- 216 ~~(yy) Subpart PP. [, Standards of Performance for Ammonium Sulfate Manufacture.]~~
- 217 ~~(zz) Subpart QQ. [, Standards of Performance for the Graphic Arts Industry: Publication~~
- 218 ~~Rotogravure Printing.]~~
- 219 ~~(aaa) Subpart RR. [, Standards of Performance for Pressure Sensitive Tape and Label Surface~~
- 220 ~~Coating Operations.]~~
- 221 ~~(bbb) Subpart SS. [, Standards of Performance for Industrial Surface Coating: Large~~
- 222 ~~Appliances.]~~
- 223 ~~(ccc) Subpart TT. [, Standards of Performance for Metal Coil Surface Coating.]~~
- 224 ~~(ddd) Subpart UU. [, Standards of Performance for Asphalt Processing and Asphalt Roofing~~
- 225 ~~Manufacture.]~~
- 226 ~~(eee) Subpart VV. [, Standards of Performance for Equipment Leaks of VOC in the Synthetic~~
- 227 ~~Organic Chemicals Manufacturing Industry.]~~
- 228 ~~(fff) Subpart WW. [, Standards of Performance for the Beverage Can Surface Coating~~
- 229 ~~Industry.]~~
- 230 ~~(ggg) Subpart XX. [, Standards of Performance for Bulk Gasoline Terminals.]~~
- 231 ~~(hhh) Subpart AAA. [, Standards of Performance for New Residential Wood Heaters.]~~
- 232 ~~(iii) Subpart BBB. [, Standards of Performance for Rubber Tire Manufacturing Industry.]~~
- 233 ~~(jjj) Subpart DDD. [, Standards of Performance for Volatile Organic Compound (VOC)~~
- 234 ~~Emissions from the Polymer Manufacturing Industry.]~~

235 — ~~(kkk) Subpart FFF. [, Standards of Performance for Flexible Vinyl and Urethane Coating and~~  
236 ~~Printing.]~~

237 — ~~(lll) Subpart GGG. [, Standards of Performance for Equipment Leaks of VOC in Petroleum~~  
238 ~~Refineries.]~~

239 — ~~(mmm) Subpart HHH. [, Standards of Performance for Synthetic Fiber Production Facilities.]~~

240 — ~~(nnn) Subpart III. [, Standards of Performance for Volatile Organic Compound (VOC)~~  
241 ~~Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air~~  
242 ~~Oxidation Unit Processes.]~~

243 ~~(ooo) Subpart JJJ. [, Standards of Performance for Petroleum Dry Cleaners.]~~

244 ~~(ppp) Subpart KKK. [, Standards of Performance for Equipment Leaks of VOC from~~  
245 ~~Onshore Natural Gas Processing Plants.]~~

246 ~~(qqq) Subpart LLL. [, Standards of Performance for Onshore Natural Gas Processing: SO2~~  
247 ~~Emissions.]~~

248 — ~~(rrr) Subpart NNN. [, Standards of Performance for Volatile Organic Compound (VOC)~~  
249 ~~Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation~~  
250 ~~Operations.]~~

251 ~~(sss) Subpart OOO. [, Standards of Performance for Nonmetallic Mineral Processing Plants.]~~

252 ~~(ttt) Subpart PPP. [, Standards of Performance for Wool Fiberglass Insulation Manufacturing~~  
253 ~~Plants.]~~

254 ~~(uuu) Subpart QQQ. [, Standards of Performance for Volatile Organic Compound (VOC)~~  
255 ~~Emissions from Petroleum Refinery Wastewater Systems.]~~

256 — ~~(vvv) Subpart RRR. †, Standards of Performance for Volatile Organic Compound (VOC)~~  
257 ~~Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor~~  
258 ~~Processes.†~~

259 — ~~(www) Subpart SSS. †, Standards of Performance for Magnetic Tape Coating Facilities.†~~  
260 ~~(xxx) Subpart TTT. †, Standards of Performance for Industrial Surface Coating: Surface~~  
261 ~~Coating of Plastic Parts for Business Machines.†~~

262 — ~~(yyy) Subpart UUU. †, Standards of Performance for Calciners and Dryers in Mineral~~  
263 ~~Industries.†~~

264 ~~(zzz) Subpart VVV. †, Standards of Performance for Polymeric Coating of Supporting~~  
265 ~~Substrates Facilities.†~~

266 — ~~(aaaa) Subpart WWW. †, Standards of Performance for Municipal Solid Waste Landfills.†~~

267 3. The following subparts of Title 40 C.F.R. Part 61 are hereby adopted by reference as they  
268 existed on July 1, ~~†2000.†~~ **2003:**

269 (a) Subparts **A, B, C, D, E, F, H, I, J, K, L, M, N, O, P, Q, R, T, V, W, Y, BB and FF. †**  
270 ~~General Provisions.†~~

271 ~~(b) Subpart B. †, National Emission Standards for Radon Emissions from Underground~~  
272 ~~Uranium Mines.†~~

273 ~~(c) Subpart C. †, National Emission Standard for Beryllium.†~~

274 ~~(d) Subpart D. †, National Emission Standard for Beryllium Rocket Motor Firing.†~~

275 ~~(e) Subpart E. †, National Emission Standard for Mercury.†~~

276 ~~(f) Subpart F. †, National Emission Standard for Vinyl Chloride.†~~

277 — ~~(g) Subpart H. †, National Emission Standards for Emissions of Radionuclides Other than~~  
278 ~~Radon from Department of Energy Facilities.†~~

279 ~~(h) Subpart I. [, National Emission Standards for Radionuclide Emissions from Federal~~  
280 ~~Facilities other than Nuclear Regulatory Commission Licensees and not Covered by Subpart H.]~~  
281 ~~(i) Subpart J. [, National Emission Standards for Equipment Leaks (Fugitive Emission~~  
282 ~~Sources) of Benzene.]~~  
283 ~~(j) Subpart K. [, National Emission Standards for Radionuclide Emissions from Elemental~~  
284 ~~Phosphorus Plants.]~~  
285 ~~(k) Subpart L. [, National Emission Standards for Benzene Emissions from Coke By Product~~  
286 ~~Recovery Plants.]~~  
287 ~~(l) Subpart M. [, National Emission Standards for Asbestos.]~~  
288 ~~(m) Subpart N. [, National Emission Standards for Inorganic Arsenic Emissions from Glass~~  
289 ~~Manufacturing Plants.]~~  
290 ~~—(n) Subpart O. [, National Emission Standards for Inorganic Arsenic Emissions from Primary~~  
291 ~~Copper Smelters.]~~  
292 ~~(o) Subpart P. [, National Emission Standards for Inorganic Arsenic Emissions from Arsenic~~  
293 ~~Trioxide and Metallic Arsenic Production Facilities.]~~  
294 ~~(p) Subpart Q. [, National Emission Standards for Radon Emissions from Department of~~  
295 ~~Energy Facilities.]~~  
296 ~~—(q) Subpart R. [, National Emission Standards for Radon Emissions from Phosphogypsum~~  
297 ~~Stacks.]~~  
298 ~~—(r) Subpart T. [, National Emission Standards for Radon Emissions from the Disposal of~~  
299 ~~Uranium Mill Tailings.]~~  
300 ~~(s) Subpart V. [, National Emission Standards for Equipment Leaks (Fugitive Emission~~  
301 ~~Sources).]~~

302 (t) Subpart W. ~~[- National Emission Standards for Radon Emissions from Operating Mill~~  
303 ~~Tailings.]~~

304 —(u) Subpart Y. ~~[- National Emission Standards for Benzene Storage Vessels.]~~

305 —(v) Subpart BB. ~~[- National Emission Standard for Benzene Emissions from Benzene~~  
306 ~~Transfer Operations.]~~

307 (w) Subpart FF. ~~[- National Emission Standard for Benzene Waste Operations.]~~

308 4. The following subparts of Title 40 C.F.R. Part 63 are hereby adopted by reference as they  
309 existed on July 1, ~~[2000.]~~ 2003:

310 (a) Subparts A, B, F, G, H, I, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG,  
311 HH, II, JJ, KK, LL, MM, OO, PP, QQ, RR, SS, TT, UU, VV, WW, YY, CCC, DDD, EEE,  
312 GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX,  
313 CCCC, GGGG, HHHH, SSSS, TTTT, UUUU and VVVV. ~~[- General Provisions.]~~

314 (b) Subpart B. ~~[- Requirements for Control Technology Determinations for Major Sources in~~  
315 ~~Accordance with Clean Air Act Sections, Sections 112(g) and 112(j).]~~

316 (c) Subpart F. ~~[- National Emission Standards for Organic Hazardous Air Pollutants from the~~  
317 ~~Synthetic Organic Chemical Manufacturing Industry.]~~

318 —(d) Subpart G. ~~[- National Emission Standards for Organic Hazardous Air Pollutants from the~~  
319 ~~Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels,~~  
320 ~~Transfer Operations and Wastewater.]~~

321 (e) Subpart H. ~~[- National Emission Standards for Organic Hazardous Air Pollutants for~~  
322 ~~Equipment Leaks.]~~

323 (f) Subpart I. ~~[- National Emission Standards for Organic Hazardous Air Pollutants for~~  
324 ~~Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.]~~



- 325 ~~(g) Subpart L. [, National Emission Standards for Coke Oven Batteries.]~~
- 326 ~~(h) Subpart M. [, National Perchloroethylene Air Emission Standards for Dry-Cleaning~~
- 327 ~~Facilities.]~~
- 328 ~~—(i) Subpart N. [, National Emission Standards for Chromium Emissions from Hard and~~
- 329 ~~Decorative Chromium Electroplating and Chromium Anodizing Tanks.]~~
- 330 ~~—(j) Subpart O. [, Ethylene Oxide Emissions Standards for Sterilization Facilities.]~~
- 331 ~~—(k) Subpart Q. [, National Emission Standards for Hazardous Air Pollutants for Industrial~~
- 332 ~~Process-Cooling Towers.]~~
- 333 ~~—(l) Subpart R. [, National Emission Standards for Gasoline Distribution Facilities (Bulk~~
- 334 ~~Gasoline Terminals and Pipeline Breakout Stations).]~~
- 335 ~~—(m) Subpart S. [, National Emission Standards for Hazardous Air Pollutants from the Pulp~~
- 336 ~~and Paper Industry.]~~
- 337 ~~(n) Subpart T. [, National Emission Standards for Halogenated Solvent Cleaning.]~~
- 338 ~~—(o) Subpart U. [, National Emission Standards for Hazardous Air Pollutant Emissions: Group~~
- 339 ~~I Polymers and Resins.]~~
- 340 ~~—(p) Subpart W. [, National Emission Standards for Hazardous Air Pollutants for Epoxy Resin~~
- 341 ~~Production and Non-Nylon Polyamides Production.]~~
- 342 ~~—(q) Subpart X. [, National Emission Standards for Hazardous Air Pollutants from Secondary~~
- 343 ~~Lead Smelting.]~~
- 344 ~~—(r) Subpart Y. [, National Emission Standards for Hazardous Air Pollutants for Marine Tank~~
- 345 ~~Vessel Loading Operations.]~~
- 346 ~~—(s) Subpart AA. [, National Emission Standards for Hazardous Air Pollutants from~~
- 347 ~~Phosphoric Acid Manufacturing Plants.]~~

348 ~~(t) Subpart BB. [, National Emission Standards for Hazardous Air Pollutants from Phosphate~~  
349 ~~Fertilizers Production Plants.]~~  
350 ~~—(u) Subpart CC. [, National Emission Standards for Hazardous Air Pollutants from Petroleum~~  
351 ~~Refineries.]~~  
352 ~~—(v) Subpart DD. [, National Emission Standards for Hazardous Air Pollutants from Off-Site~~  
353 ~~Waste and Recovery Operations.]~~  
354 ~~—(w) Subpart EE. [, National Emission Standards for Hazardous Air Pollutants for Magnetic~~  
355 ~~Tape Manufacturing Operations.]~~  
356 ~~—(x) Subpart GG. [, National Emission Standards for Hazardous Air Pollutants for Aerospace~~  
357 ~~Manufacturing and Rework Facilities.]~~  
358 ~~—(y) Subpart HH. [, National Emission Standards for Hazardous Air Pollutants from Oil and~~  
359 ~~Natural Gas Production Facilities.]~~  
360 ~~—(z) Subpart II. [, National Emission Standards for Hazardous Air Pollutants for Shipbuilding~~  
361 ~~and Ship Repair (Surface Coating).]~~  
362 ~~—(aa) Subpart JJ. [, National Emission Standards for Wood Furniture Manufacturing~~  
363 ~~Operations.]~~  
364 ~~—(bb) Subpart KK. [, National Emission Standards for the Printing and Publishing Industry.]~~  
365 ~~—(cc) Subpart LL. [, National Emission Standards for Hazardous Air Pollutants for Primary~~  
366 ~~Aluminum Reduction Plants.]~~  
367 ~~—(dd) Subpart MM.~~  
368 ~~—(ee) Subpart OO. [, National Emission Standards for Tanks—Level 1.~~  
369 ~~—(ee)] (ff) Subpart PP. [, National Emission Standards for Containers.~~  
370 ~~—(ff)] (gg) Subpart QQ. [, National Emission Standards for Surface Impoundments.~~

371 ~~—(gg) (hh) Subpart RR. [, National Emission Standards for Individual Drain Systems.~~

372 ~~—(hh) (ii) Subpart SS. [, National Emission Standards for Closed Vent Systems, Control~~

373 ~~Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.~~

374 ~~—(ii) (jj) Subpart TT. [, National Emission Standards for Equipment Leaks—Control Level 1.~~

375 ~~—(jj) (kk) Subpart UU. [, National Emission Standards for Equipment Leaks—Control Level 2~~

376 ~~Standards.~~

377 ~~—(kk) (ll) Subpart VV. [, National Emission Standards for Oil Water Separators and Organic~~

378 ~~Water Separators.~~

379 ~~—(ll) (mm) Subpart WW. [, National Emission Standards for Storage Vessels (Tanks)—~~

380 ~~Control Level 2.~~

381 ~~—(mm) (nn) Subpart YY. [, National Emission Standards for Hazardous Air Pollutants for~~

382 ~~Source Categories: Generic Maximum Achievable Control Technology Standards.~~

383 ~~—(nn) (oo) Subpart CCC. [, National Emission Standards for Hazardous Air Pollutants for~~

384 ~~Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants.~~

385 ~~—(oo) (pp) Subpart DDD. [, National Emission Standards for Hazardous Air Pollutants for~~

386 ~~Mineral Wool Production.~~

387 ~~—(pp) (qq) Subpart EEE. [, National Emission Standards for Hazardous Air Pollutants from~~

388 ~~Hazardous Waste Combustors.~~

389 ~~—(qq) (rr) Subpart GGG. [, National Emission Standards for Pharmaceuticals Production.~~

390 ~~—(rr) (ss) Subpart HHH. [, National Emission Standards for Hazardous Air Pollutants from~~

391 ~~Natural Gas Transmission and Storage Facilities.~~

392 ~~—(ss) (tt) Subpart III. [, National Emission Standards for Hazardous Air Pollutants for~~

393 ~~Flexible Polyurethane Foam Production.~~

- 394 ~~—(tt) **(uu)** Subpart JJJ. [, National Emission Standards for Hazardous Air Pollutants~~
- 395 ~~Emissions: Group IV Polymers and Resins.~~
- 396 ~~—(uu) **(vv)** Subpart LLL. [, National Emission Standards for Hazardous Air Pollutants from~~
- 397 ~~the Portland Cement Manufacturing Industry.~~
- 398 ~~—(vv) **(ww)** Subpart MMM. [, National Emission Standards for Hazardous Air Pollutants for~~
- 399 ~~Pesticide Active Ingredient Production.~~
- 400 ~~—(ww) **(xx)** Subpart NNN. [, National Emission Standards for Hazardous Air Pollutants for~~
- 401 ~~Wool Fiberglass Manufacturing.~~
- 402 ~~—(xx) **(yy)** Subpart OOO. [, National Emission Standards for Hazardous Air Pollutants~~
- 403 ~~Emissions: Manufacture of Amino/Phenolic Resins.]~~
- 404 ~~—**(zz)** Subpart PPP.~~
- 405 ~~—**(aaa)** Subpart QQQ.~~
- 406 ~~—**(bbb)** Subpart RRR.~~
- 407 ~~—**(ccc)** Subpart TTT.~~
- 408 ~~—**(ddd)** Subpart UUU.~~
- 409 ~~—**(eee)** Subpart VVV.~~
- 410 ~~—**(fff)** Subpart XXX.~~
- 411 ~~—**(ggg)** Subpart CCCC.~~
- 412 ~~—**(hhh)** Subpart GGGG.~~
- 413 ~~—**(iii)** Subpart HHHH.~~
- 414 ~~—**(jjj)** Subpart SSSS.~~
- 415 ~~—**(kkk)** Subpart TTTT.~~
- 416 ~~—**(lll)** Subpart UUUU.~~

417 ~~(mmm)~~ Subpart VVVV.

418 5. Title 40 C.F.R. Part 72 is hereby adopted by reference as it existed on July 1, ~~2000~~ 2003.

419 If the provisions of 40 C.F.R. Part 72 conflict with or are not included in NAC 445B.001 to  
420 445B.3497, inclusive, the provisions of 40 C.F.R. Part 72 apply.

421 6. Title 40 C.F.R. Part 76 is hereby adopted by reference as it existed on July 1, ~~2000~~ 2003.

422 If the provisions of 40 C.F.R. Part 76 conflict with or are not included in NAC 445B.001 to  
423 445B.3497, inclusive, the provisions of 40 C.F.R. Part 76 apply.

424 7. Title 42 of the United States Code, section 7412(b), List of Hazardous Air Pollutants, and  
425 the amendments to section 7412 contained in 40 C.F.R. Part 63, Subpart C, are hereby adopted  
426 by reference as they existed on July 1, ~~2000~~ 2003.

427 8. The Standard Industrial Classification Manual, 1987 edition, published by the United  
428 States Office of Management and Budget, is hereby adopted by reference. A copy of the manual  
429 may be obtained from the Superintendent of Documents, P.O. Box 371954, Pittsburgh,  
430 Pennsylvania 15250-7954, for the price of ~~\$38~~ \$40.

431 9. A copy of the publications which contain these provisions may be obtained from the:

432 (a) Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954.

433 The price is:

(1) For the volume containing §§ 51.100(s), 51.100(hh) to 51.100(kk),  
inclusive, 51.100(nn) and 51.165 and Appendices S and W of

Part 51..... .. ~~\$38~~ \$40

(2) For § 52.21..... .. ~~\$50~~ 55

(3) For Part 60 (Sections 60.1 to  
end)..... .. ~~\$53~~ 58

(4) For Part 60	
(Appendices).....	..... 51
(5) For Parts 61 -	
62.....	
.....	..... <del>43</del> 43
(6) For Part 63 (Sections 63.1 to	
63.599).....	..... <del>53</del> 58
(7) For Part 63 (Sections 63.600 to	
63.1199).....	..... <del>44</del> 50
(8) <i>For Part 63 (Sections 63.1200 to 63.1439)</i> .....	..... 50
(9) <i>For Part 63 (Sections 63.1440 to end)</i> .....	..... 64
(10) For the volume containing Parts 72 and	
76.....	..... <del>55</del> 59

434 (b) Division of State Library and Archives of the Department of Cultural Affairs for 15 cents  
435 per page.

436 (c) *Internet at the following website: <<http://www.gpoaccess.gov/nara/index.html>>*

437 10. For the purposes of the provisions of Parts 60, 61 and 63, Chapter I, Title 40, Code of  
438 Federal Regulations adopted pursuant to this section, the Director may not approve alternate or  
439 equivalent test methods or alternative standards or work practices.

440 11. Except as otherwise provided in subsections 5 and 6, the provisions adopted by reference  
441 in this section supersede the requirements of NAC 445B.001 to 445B.3497, inclusive, for all  
442 stationary sources subject to the provisions adopted by reference only if those requirements  
443 adopted by reference are more stringent.

444 12. For the purposes of this section, “administrator” as used in the provisions of Parts 60, 61  
 445 and 63, Chapter I, Title 40, Code of Federal Regulations adopted pursuant to this section means  
 446 the Director.

447 **Sec. 6.** NAC 445B.281 is hereby amended to read as follows:

448 445B.281 1. Except as otherwise provided in NAC 445B.001 to 445B.3497, inclusive, any  
 449 violation of the provisions of those sections is classified as a major violation, and a fine up to  
 450 \$10,000 per day per violation may be levied.

451 2. For Class II and Class III sources ~~[-violations]~~ :

452 *(a) Violations* of NAC ~~[445B.22037,]~~ 445B.22067, 445B.2207, 445B.22087, subsections 3  
 453 and 4 of NAC 445B.232, subsection 8 of NAC 445B.252, subsection 2 of NAC 445B.265,  
 454 paragraph (e) of subsection 1 of NAC 445B.275 and NAC 445B.331 are classified as minor or  
 455 lesser violations, unless there are four or more violations of any one of those sections by a  
 456 person, occurring within a period of 60 consecutive months.

457 *(b) The first violation of NAC 445B.22037 is classified as a minor violation. A subsequent*  
 458 *violation of NAC 445BN.22037 is classified as a major violation.*

459 3. The schedule of fines for minor violations is as follows:

460

	First	Second	Third
	Offense	Offense	Offense
NAC 445B.22037, fugitive		<del>[\$500]</del>	<del>[\$500]</del>
dust.....	\$250	<i>Major</i>	<i>Major</i>

	First Offense	Second Offense	Third Offense
		<i>violation</i>	<i>violation</i>
NAC 445B.22067, open burning.....	250	500	500
NAC 445B.2207, incinerator burning.....	250	500	500
NAC 445B.22087, odors.....	250	500	500
Subsection 3 or 4 of NAC 445B.232, reporting of excess emissions.....	250	500	500
Subsection 8 of NAC 445B.252, testing and sampling reporting	250	500	500
Subsection 2 of NAC 445B.265, reporting of monitoring systems.....	250	500	500
Paragraph (e) of subsection 1 of NAC 445B.275, recordkeeping, monitoring, reporting or compliance certification.....	250	500	500
NAC 445B.331, change of location.....	250	500	500



462 4. All minor violations become major violations upon the occurrence of the fourth violation  
463 of the same section within a period of 60 consecutive months.

464 **Sec. 7.** NAC 445B.298 is hereby amended to read as follows:

465 445B.298 ~~{The}~~ *Except as otherwise provided in NAC 445B.3364, 445B.3395 or*  
466 *445B.3457, the* official date of submittal of an application for ~~{an}~~ :

467 1. *An* operating permit ~~{or a}~~ ;

468 2. *An operating permit to construct;*

469 3. *A* revision of an existing operating permit ; *or*

470 4. *A revision of an existing operating permit to construct,*

471 ↪ is the date on which the Director determines that the application is complete.

472 **Sec. 8.** NAC 445B.327 is hereby amended to read as follows:

473 445B.327 1. Except as otherwise provided in this section, if a stationary source is not subject  
474 to the permitting requirements of 40 C.F.R. § 52.21, as incorporated by reference by NAC  
475 445B.221, the fees for an operating permit are as follows:

(a) Class I operating permit to

construct..... \$20,000

(b) Conversion of an operating permit to construct into a Class I operating permit

involving only one

phase..... 5,000

(c) Conversion of an operating permit to construct into a Class I operating permit

involving two or more phases (per

phase)..... 5,000

(d) Modification to an operating permit to construct.....	5,000
(e) Revision of an operating permit to construct.....	5,000
(f) Class I operating permit.....	30,000
(g) Significant revision of a Class I operating permit.....	20,000
(h) Minor revision of a Class I operating permit.....	<del>5,000</del> 5,500
(i) Renewal of a Class I operating permit.....	5,000
(j) Class II operating permit : .....	<del>3,000</del>
<i>(1) If notice to the public is required pursuant to subsection 5 of NAC 445B.3457.....</i>	<i>3,500</i>
<i>(2) If notice to the public is required pursuant to subsection 7 or 9 of NAC 445B.3457.....</i>	<i>3,350</i>
<i>(3) If notice to the public is not required pursuant to NAC 445B.3457.....</i>	<i>3,000</i>
(k) Revision of a Class II operating permit : .....	<del>2,000</del>
<i>(1) If notice to the public is required pursuant to subsection 5 of NAC</i>	<i>2,500</i>

445B.3457.....	
(2) <i>If notice to the public is required pursuant to subsection 7 or 9 of NAC</i>	
445B.3457.....	2,350
(3) <i>If notice to the public is not required pursuant NAC 445B.3457.....</i>	2,000
(l) Renewal of a Class II operating permit	.....
:.....	<del>2,000</del>
(1) <i>If notice to the public is required pursuant to subsection 5 of NAC</i>	
445B.3457 and NAC 445B.3473.....	2,500
(2) <i>If notice to the public is required pursuant to subsection 7 or 9 of NAC</i>	
445B.3457 and NAC 445B.3473.....	2,350
(3) <i>If notice to the public is not required pursuant to NAC 445B.3457 and</i>	
445B.3473.....	2,000
(m) Class II general	
permit.....	400
(n) Class III operating	
permit.....	300
(o) Revision of a Class III operating	
permit.....	200
(p) Renewal of a Class III operating	
permit.....	250
(q) Surface area disturbance	
permit.....	400
(r) Revision of a surface area disturbance	200

permit.....

(s) Administrative amendment of an operating

permit..... 200

(t) Replacement of a lost or damaged operating permit to construct or an

operating

permit..... 200

(u) Request for change of location of an emission

unit..... 100

476 ➔ An applicant must pay the entire fee when he submits an application to the Director.

477 2. The fee to revise an operating permit so that the operating permit is consistent with any  
478 guidelines established by the Division of Environmental Protection of the State Department of  
479 Conservation and Natural Resources pursuant to NAC 445B.255 is \$1,000. An applicant must  
480 pay the entire fee when he submits an application to the Director.

481 3. Except as otherwise provided in this section, if a stationary source is subject to the  
482 permitting requirements of 40 C.F.R. § 52.21, as incorporated by reference by NAC 445B.221,  
483 the owner or operator of that stationary source must obtain an operating permit. The fees for such  
484 an operating permit are as follows:

(a) Operating permit for a stationary source subject to the program for the

prevention of significant deterioration of air

quality..... \$50,000

(b) Revision of an operating permit for a stationary source subject to the

permitting requirements of 40 C.F.R. § 52.21 to authorize a major

modification of the stationary ..... 50,000

source.....	
(c) Class I operating permit to construct.....	50,000
(d) Conversion of an operating permit to construct into a Class I operating permit involving only one phase.....	5,000
(e) Conversion of an operating permit to construct into a Class I operating permit involving two or more phases (per phase).....	5,000
(f) Revision of an operating permit to construct.....	5,000
(g) Revision of an operating permit for a modification that is not a major modification, as defined in 40 C.F.R. § 52.21, of a stationary source.....	10,000
(h) Administrative amendment of an operating permit or operating permit to construct...	200
(i) Replacement of a lost or damaged operating permit to construct or an operating permit.....	200
(j) Request for the change of location of an emission unit.....	100

485    ➔ An applicant must pay the entire fee when he submits an application to the Director.

486 4. If no changes need to be made to convert an operating permit to construct into a Class I  
487 operating permit, no fee will be assessed.

488 5. Except as otherwise provided in this subsection, the annual fee based on emissions for a  
489 stationary source is \$5.60 per ton times the total tons of each regulated pollutant emitted during  
490 the preceding calendar year. The annual fee based on emissions does not apply to:

491 (a) Emissions of carbon monoxide; or

492 (b) Class III stationary sources.

493 6. To determine the fee set forth in subsection 5:

494 (a) Emissions must be calculated using:

495 (1) The emission unit's actual operating hours, rates of production and in-place control  
496 equipment;

497 (2) The types of materials processed, stored or combusted; and

498 (3) Data from:

499 (I) A test for emission compliance;

500 (II) A continuous emission monitor;

501 (III) The most recently published issue of *Compilation of Air Pollutant Emission*  
502 *Factors*, EPA Publication No. AP-42; or

503 (IV) Other emission factors or methods which the Director has validated; or

504 (b) If paragraph (a) does not apply to a stationary source that was in operation during the  
505 preceding calendar year, emissions must be calculated using the permitted allowable emissions  
506 for that stationary source.

507 7. The annual fee for maintenance of a stationary source is:

(a) For a Class I .....

source.....	\$12,500
(b) For a Class II source that has the potential to emit 50 tons or more per year of any one regulated air pollutant except carbon monoxide.....	3,000
(c) For a Class II source that has the potential to emit 25 tons or more per year but less than 50 tons per year of any one regulated air pollutant except carbon monoxide.....	1,000
(d) For a Class II source that has the potential to emit less than 25 tons per year of any one regulated air pollutant except carbon monoxide.....	250
(e) For a Class III source.....	250
(f) For a surface area disturbance.....	250

508 8. The State Department of Conservation and Natural Resources shall collect all fees required  
509 pursuant to subsections 5 and 7 not later than July 1 of each year.

510 9. Except as otherwise provided in this subsection, the owner or operator of a source who  
511 does not pay his annual fee installments within 30 days after the date on which payment becomes  
512 due will be assessed a late penalty in the amount of 25 percent of the amount of the fees due. The  
513 late fee must be paid in addition to the annual fees. The late penalty set forth in this subsection  
514 does not apply if, at the time that the late fee would otherwise be assessed, the owner or operator  
515 is in negotiations with the Director concerning his annual fees.

516 **Sec. 9.** NAC 445B.3364 is hereby amended to read as follows:

517 445B.3364 1. Except for sources that are subject to the permitting requirements set forth in  
518 40 C.F.R. § 52.21, within 45 days after the date of receipt of an application for ~~an~~ *a Class I*  
519 operating permit to construct ~~it~~ *or for the revision of a Class I operating permit to construct,*  
520 the Director shall determine if the application is complete. If substantial additional information is  
521 required, the Director shall determine that the application is incomplete and return the  
522 application to the applicant. If substantial additional information is not required, the Director  
523 shall determine the application to be complete. Unless the Director determines that the  
524 application is incomplete within 45 days after the date of receipt of the application, the official  
525 date of submittal of the application shall be deemed to be the date on which the Director  
526 determines that the application is complete or the 46th day after the date of receipt, whichever is  
527 earlier. Within 90 days after the official date of submittal, the Director shall *make a preliminary*  
528 *determination to* issue or deny an operating permit to construct ~~it~~ *or the revision of a Class I*  
529 *operating permit to construct.*

530 2. For sources subject to the permitting requirements set forth in 40 C.F.R. § 52.21, within 30  
531 days after the date of receipt of an application for ~~an~~ *a Class I* operating permit to construct ~~it~~  
532 *or for a revision of a Class I operating permit to construct,* the Director shall determine ~~if~~  
533 *whether* the application ~~is complete.~~ *contains adequate information to process the*  
534 *application. The official date of submittal of the application shall be deemed to be 31 days*  
535 *after the date of receipt, unless the Director determines before that date that substantial*  
536 *additional information is required. If the Director determines that* substantial additional  
537 information is required, the Director shall ~~determine that the application is incomplete and~~  
538 return the application to the applicant. ~~If substantial additional information is not required, the~~  
539 ~~Director shall determine the application to be complete. Unless the Director determines that the~~



540 ~~application is incomplete within 30 days after the date of receipt of the application, the official~~  
541 ~~date of submittal of the application shall be deemed to be the date on which the Director~~  
542 ~~determines that the application is complete or the 31st day after the date of receipt, whichever is~~  
543 ~~earlier.†~~ *The Director shall require the applicant to submit a new application or the applicant*  
544 *may formally withdraw the application.* Within 180 days after the official date of submittal, the  
545 Director shall *make a preliminary determination to* issue or deny an operating permit to  
546 construct ~~†~~ *or the revision of an operating permit to construct. For the purposes of 40 C.F.R.*  
547 *§52.21, the application shall be deemed to be complete on the date that the Director makes the*  
548 *preliminary determination to issue or deny a Class I operating permit to construct or the*  
549 *revision of an operating permit to construct.*

550 3. If, after the official date of submittal, the Director discovers that additional information is  
551 required to act on the application, the Director may request additional information necessary to  
552 determine whether the proposed operation will comply with all of the requirements set forth in  
553 NAC 445B.001 to 445B.3497, inclusive. The applicant must provide in writing any additional  
554 information that the Director requests within the time specified in the request of the Director.  
555 Any delay in the submittal of the requested information will result in a corresponding delay in  
556 the action of the Director on the application submitted to the Director.

557 4. The Director's review and preliminary intent to issue or deny an operating permit to  
558 construct *or the revision of an operating permit to construct* and the proposed conditions for the  
559 operating permit to construct must be made public and maintained on file with the Director  
560 during normal business hours at 333 West Nye Lane, Carson City, Nevada, and in the air quality  
561 region where the source is located for 30 days to enable public and EPA participation and  
562 comment.

- 563 5. The Director shall:
- 564 (a) Cause to be published a prominent advertisement in a newspaper of general circulation in
- 565 the area in which the stationary source is located or in a state publication designed to give
- 566 general public notice;
- 567 (b) Provide written notice to persons on a mailing list developed by the Director, including
- 568 those persons who request in writing to be included on the list;
- 569 (c) Provide notice by other means if necessary to ensure that adequate notice is given to the
- 570 public;
- 571 (d) Provide a copy of the Director's preliminary intent to issue or deny the operating permit to
- 572 construct and the proposed operating permit to construct to the Administrator; and
- 573 (e) Establish a 30-day period for comment from the public and the EPA.

574 ***6. In addition to the requirements set forth in subsection 5, the notice required for a Class***

575 ***I operating permit to construct or for the revision of an operating permit to construct must***

576 ***identify:***

- 577 ***(a) The affected facility and the name and address of the applicant;***
- 578 ***(b) The name and address of the authority processing the Class I operating permit to***
- 579 ***construct;***
- 580 ***(c) The activity or activities involved in the Class I operating permit to construct and the***
- 581 ***change of emissions involved in any revision of the Class I operating permit to construct;***
- 582 ***(d) The name, address and telephone number of a person from whom interested persons***
- 583 ***may obtain additional information, including copies of the proposed conditions for the Class I***
- 584 ***operating permit to construct, the application, all relevant supporting materials and all other***
- 585 ***materials which are available to the authority that is processing the Class I operating permit to***

586 *construct and which are relevant to the determination of the issuance of the Class I operating*  
587 *permit to construct; and*

588 *(e) A brief description of the procedures for public comment and the time and place of any*  
589 *hearing that may be held, including a statement of the procedures to request a hearing.*

590 *7. All comments concerning the Director's review and the preliminary intent for the*  
591 *issuance or denial of a Class I operating permit to construct or of the revision of a Class I*  
592 *operating permit to construct must be submitted in writing to the Director within 30 days after*  
593 *the public announcement. The Director shall give notice of any public hearing at least 30 days*  
594 *before the date of the hearing. The Director shall keep a record of the names of any persons*  
595 *who made comments and of the issues raised during the process for public participation.*

596 *8. Except as otherwise provided in subsection 9, within 180 days after the official date of*  
597 *submittal of an application for an operating permit to construct or for the revision of an*  
598 *operating permit to construct, the Director shall issue or deny the new Class I operating*  
599 *permit to construct or the new revision of a Class I operating permit to construct..*

600 *9. For sources subject to the permitting requirements set forth in 40 C.F.R. § 52.21, within*  
601 *12 months after the official date of submittal of an application for an operating permit to*  
602 *construct or for the revision of an operating permit to construct, the Director shall issue or*  
603 *deny the new Class I operating permit to construct or the new revision of a Class I operating*  
604 *permit to construct.*

605 **Sec. 10.** NAC 445B.3395 is hereby amended to read as follows:

606 445B.3395 1. Except *for sources subject to the permitting requirements set forth in 40*  
607 *C.F.R. § 52.21 and* as otherwise provided in this subsection, within 60 ~~calendar~~ days after the  
608 date on which an application for a Class I operating permit or for the significant revision of a

609 Class I operating permit is received, the Director shall determine if the application is complete. If  
610 substantial additional information is required, the Director shall determine that the application is  
611 incomplete and return the application to the applicant. If substantial additional information is not  
612 required, the Director shall determine that the application is complete. Unless the Director  
613 determines that the application is incomplete within 60 days after the date of receipt, the official  
614 date of submittal shall be deemed to be the date on which the Director determines that the  
615 application is complete or 61 days after the date of receipt, whichever is earlier.

616 2. *For sources subject to the permitting requirements set forth in 40 C.F.R. § 52.21, within*  
617 *30 days after the date of receipt of an application for a Class I operating permit or for the*  
618 *[significant] revision of a Class I operating permit, the Director shall determine if the*  
619 *application contains adequate information to process the application. The official date of*  
620 *submittal of the application shall be deemed to be 31 days after the date of receipt, unless the*  
621 *Director determines before that date that substantial additional information is required. If the*  
622 *Director determines that substantial additional information is required, the Director shall*  
623 *return the application to the applicant. The Director shall require the applicant to submit a*  
624 *new application or the applicant may formally withdraw the application.*

625 3. *If, after the official date of submittal, the Director discovers that additional information*  
626 *is required to act on the application, the Director may request such additional information that*  
627 *is necessary to determine whether the proposed operation will comply with all the*  
628 *requirements set forth in NAC 445B.001 to 445B.3497, inclusive. The applicant must provide*  
629 *in writing any additional information that the Director requests within the time specified in*  
630 *the request of the Director. Any delay in the submittal of the requested information will result*

631 *in a corresponding delay in the action of the Director on the application submitted to the*  
632 *Director pursuant to subsection 1 or 2.*

633 4. Except as otherwise provided in this ~~{subsection,}~~ *section*, within 180 ~~{calendar}~~ days after  
634 the official date of submittal of an application for a Class I operating permit or for ~~{the}~~ *a*  
635 revision of a Class I operating permit, the Director shall make a preliminary determination to  
636 issue or deny the Class I operating permit or the revision of the Class I operating permit. The  
637 Director shall give preliminary notice of his intent to issue or deny the Class I operating permit  
638 or the revision of the Class I operating permit within 180 ~~{calendar}~~ days after the official date of  
639 submittal.

640 ~~{3.}~~ 5. Within 10 working days after the receipt of an application for a minor revision of a  
641 Class I operating permit, the Director shall determine ~~{if}~~ *whether* the application is complete. If  
642 substantial additional information is required, the Director shall determine the application to be  
643 incomplete and return the application to the applicant. If substantial additional information is not  
644 required, the Director shall determine the application to be complete. Unless the Director  
645 determines that the application is incomplete within 10 working days after the date on which the  
646 Director receives the application, the official date of submittal is the date on which the Director  
647 determines that the application is complete or 11 working days after the date of receipt,  
648 whichever is earlier.

649 ~~{4.}~~ 6. The Director's review and preliminary intent to issue or deny a Class I operating  
650 permit *or the revision of a Class I operating permit* and the proposed conditions for the Class I  
651 operating permit must be made public and maintained on file with the Director during normal  
652 business hours at 333 West Nye Lane, Carson City, Nevada, and in the air quality region where

653 the source is located for 30 ~~calendar~~ days to enable public participation and comment and a  
654 review by any affected states.

655 ~~5.7~~ 7. The Director shall:

656 (a) Cause to be published a prominent advertisement in a newspaper of general circulation in  
657 the area in which the Class I stationary source is located or in a state publication designed to give  
658 general public notice;

659 (b) Provide written notice to:

660 (1) Persons on a mailing list developed by the Director, including those persons who  
661 request in writing to be included on the list; and

662 (2) Any affected state;

663 (c) Provide notice by other means if necessary to ensure that adequate notice is given to the  
664 public and affected states;

665 (d) Provide a copy of the Director's review of the application, the Director's preliminary  
666 intent to issue or deny the Class I operating permit *or the revision of a Class I operating permit,*  
667 and the proposed Class I operating permit to the Administrator; and

668 (e) Establish a 30-day period for public comment.

669 ~~6.7~~ 8. The provisions of subsections ~~4 and 5~~ 6 and 7 do not apply to ~~an~~ :

670 (a) *An* administrative amendment to a Class I operating permit made pursuant to NAC  
671 445B.319 ~~1-a~~ ;

672 (b) *A* change without revision to a Class I operating permit made pursuant to NAC 445B.342  
673 ; or ~~an~~

674 (c) *A* minor revision of a Class I operating permit made pursuant to NAC 445B.3425 ~~f~~

675 ~~—7.1~~ , if the minor revision results in an emission increase of **any one** regulated air pollutant  
676 that does not exceed 4,000 pounds per year or if the minor revision results in an emission  
677 increase of a hazardous air pollutant that does not exceed 1 pound per hour or 1,000 pounds  
678 per year.

679 9. The notice required for a Class I operating permit *or for the revision of a Class I*  
680 *operating permit* pursuant to subsection ~~§~~ 7 must identify:

681 (a) The affected facility and the name and address of the applicant;

682 (b) The name and address of the authority processing the Class I operating permit;

683 (c) The activity or activities involved in the Class I operating permit and the emissions change  
684 involved in any revision of the Class I operating permit;

685 (d) The name, address and telephone number of a person from whom interested persons may  
686 obtain additional information, including copies of the proposed conditions for the Class I  
687 operating permit, the application, all relevant supporting materials and all other materials which  
688 are available to the authority that is processing the Class I operating permit and which are  
689 relevant to the determination of the issuance of the Class I operating permit; and

690 (e) A brief description of the procedures for public comment and the time and place of any  
691 hearing that may be held, including a statement of the procedures to request a hearing.

692 ~~§~~ 10. All comments on the Director's review and preliminary intent for the issuance or  
693 denial of a Class I operating permit must be submitted in writing to the Director within 30  
694 ~~calendar~~ days after the public announcement. The Director shall give notice of any public  
695 hearing at least 30 days before the date of the hearing. The Director shall keep a record of the  
696 names of any persons who made comments and of the issues raised during the process for public  
697 participation.

698 ~~10.11~~ **11.** Except as otherwise provided in subsection ~~10.12~~ **12** and NAC 445B.319, 445B.342  
699 and 445B.3425, within 12 months after the official date of submittal of a Class I-B application,  
700 the Director shall issue or deny the application for a Class I-B operating permit or for a revision  
701 of the Class I-B operating permit. The Director shall make his decision by taking into account  
702 written comments from the public, affected states and the Administrator, and the comments  
703 made during public hearings on the Director's review and preliminary intent for issuance or  
704 denial, information submitted by proponents of the project and the effect of such a facility on the  
705 maintenance of the State, and national ambient air quality standards contained in NAC  
706 445B.22097 and the control strategy contained in the air quality plan. The Director shall send a  
707 copy of the final Class I-B operating permit to the Administrator.

708 ~~10.12~~ **12.** For stationary sources subject to the provisions of 40 C.F.R. § 52.21 regarding the  
709 prevention of significant deterioration of air quality, adopted pursuant to NAC 445B.221, the  
710 Director shall issue or deny an application for a Class I operating permit, or for the revision or  
711 renewal of a Class I operating permit, within 12 months after ~~receiving a complete application.~~  
712 ~~11.1~~ *the official date of submittal of an application for a new Class I operating permit of the*  
713 *revision of a Class I operating permit. The application shall be deemed to be complete for the*  
714 *purposes of 40 C.F.R. § 52.21 on the date that the Director makes the preliminary*  
715 *determination to issue or deny the Class I operating permit or the revision of the Class I*  
716 *operating permit.*

717 **13.** The Director shall not issue a Class I operating permit, or a revision or renewal of a Class  
718 I operating permit, if the Administrator objects to its issuance in writing within 45 days after the  
719 Administrator's receipt of the proposed conditions for the Class I operating permit and the  
720 necessary supporting information.



721 ~~12.~~ 14. Any person may petition the Administrator to request that he object to a Class I  
722 operating permit as provided in 40 C.F.R. § 70.8(d).

723 ~~13.~~ 15. If the Administrator objects to the issuance of a Class I operating permit of his own  
724 accord or in response to a public petition, the Director shall submit revised proposed conditions  
725 for the Class I operating permit in response to the objection within 90 days after the date on  
726 which he is notified of the objection.

727 ~~14.~~ 16. If construction will occur in one phase, a Class I operating permit or the revision of  
728 a Class I operating permit for a new or modified stationary source, other than a stationary source  
729 subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant  
730 deterioration of air quality, expires if construction is not commenced within 18 months after the  
731 date of issuance thereof or construction of the facility is delayed for 18 months after initiated.  
732 The Director may extend the date on which the construction may be commenced upon a showing  
733 that the extension is justified.

734 ~~15.~~ 17. If construction will occur in more than one phase, the projected date of the  
735 commencement of construction of each phase of construction must be approved by the Director.  
736 A Class I operating permit or the revision of a Class I operating permit for a new or modified  
737 stationary source, other than a stationary source subject to the provisions of 40 C.F.R. § 52.21  
738 regarding the prevention of significant deterioration of air quality, expires if the initial phase of  
739 construction is not commenced within 18 months after the projected date of the commencement  
740 of construction approved by the Director. The Director may extend only the date on which the  
741 initial phase of construction may be commenced upon a showing that the extension is justified.

742 **Sec. 11.** NAC 445B.3425 is hereby amended to read as follows:

743 445B.3425 1. A minor revision may be made to a Class I operating permit if the revision:

- 744 (a) Does not violate any applicable requirement;
- 745 (b) Does not involve significant changes to the existing requirements for monitoring,  
746 reporting or recordkeeping;
- 747 (c) Does not require or change:
- 748 (1) A determination of an emission limitation or other standard on a case-by-case basis;
- 749 (2) A determination of the ambient impact for any temporary source; or
- 750 (3) A visibility or increment analysis;
- 751 (d) Does not establish or change a condition of the operating permit for which there is no  
752 corresponding underlying applicable requirement and which was requested in order to avoid an  
753 applicable requirement, including:
- 754 (1) A federally enforceable emissions cap; or
- 755 (2) An alternative emission limitation pursuant to 42 U.S.C. § 7412(i)(5);
- 756 (e) Is not a modification pursuant to any provision of 42 U.S.C. §§ 7401 to 7515, inclusive;
- 757 and
- 758 (f) Does not result in an increase in allowable emissions that exceeds any of the following  
759 specified thresholds:
- 760 (1) Carbon monoxide, 100 tons per year.
- 761 (2) Nitrogen oxides, 40 tons per year.
- 762 (3) Sulfur dioxide, 40 tons per year.
- 763 (4) PM<sub>10</sub>, 15 tons per year.
- 764 (5) Ozone, 40 tons per year of volatile organic compounds.
- 765 (6) Sulfuric acid mist, 7 tons per year.
- 766 (7) Hydrogen sulfide (H<sub>2</sub>S), 10 tons per year.

767 2. An owner or operator must request a minor revision on an application form provided by  
768 the Director. The application must include:

769 (a) A description of the modification;

770 (b) A description of the emissions resulting from the modification;

771 (c) An identification of any new applicable requirements that will apply because of the  
772 modification;

773 (d) Suggested conditions of the operating permit;

774 (e) Certification by a responsible official of the stationary source that the proposed  
775 modification complies with the criteria for a minor revision set forth in subsection 1; and

776 (f) Any relevant information concerning the proposed change which is required by NAC  
777 445B.295 and 445B.3368.

778 3. The Director shall:

779 (a) Determine, in accordance with subsection ~~5~~ 5 of NAC 445B.3395, whether the  
780 application for a minor revision is complete.

781 (b) Transmit the application to the Administrator within ~~5~~ 10 working days after the official  
782 date of submittal of the application.

783 (c) Provide notice to any affected state within ~~5~~ 10 working days after the official date of  
784 submittal of the application for a minor revision.

785 (d) *Unless the application is for a minor revision described in subsection 8 of NAC*  
786 *445B.3395, enable public participation and comment and provide notice to the public*  
787 *concerning the application for a minor revision in the manner set forth in subsections 6 and 7*  
788 *of NAC 445B.3395.*

789 (e) Provide a 30-day period for comment by *the public and* any affected state concerning the  
790 application.

791 ~~(e)~~ (f) Within 45 days after the official date of submittal of the application:

792 (1) Determine whether the proposed minor revision meets the criteria for a minor revision  
793 set forth in this section;

794 (2) Determine whether the proposed conditions of the operating permit are adequate; and

795 (3) If the Director determines that the proposed modification does not meet the criteria for  
796 a minor revision, deny the proposed revision and notify the applicant and the Administrator.

797 ~~(f)~~ (g) If the Director determines that the applicant's proposed conditions of the operating  
798 permit are not adequate, draft appropriate conditions for the operating permit. Proposed  
799 conditions drafted by the Director must be submitted to the Administrator for review.

800 ~~(g)~~ (h) *Unless the application is for a minor revision described in subsection 8 of NAC*  
801 *445B.3395, enable public participation and comment and provide notice to the public*  
802 *concerning any proposed conditions drafted pursuant to paragraph (g) in the manner set forth*  
803 *in subsections 6 and 7 of NAC 445B.3395.*

804 (i) Notify the Administrator of any recommendations from an affected state which the  
805 Director does not accept.

806 4. The Director may issue the minor revision upon notification by the Administrator that the  
807 Administrator does not object to the minor revision. If the Administrator does not notify the  
808 Director within 45 days after the date on which the Administrator received the notification  
809 pursuant to this section or within 45 days after the date on which the Administrator receives the  
810 Director's proposed conditions, whichever is later, the Administrator shall be deemed to have not  
811 objected to the minor revision.

812 5. If the Administrator objects to the minor revision, the Director shall:  
813 (a) Deny the application for the minor revision;  
814 (b) Determine whether the minor revision should be reviewed under the procedures for a  
815 significant revision; or  
816 (c) Revise the proposed revision of the operating permit and forward it to the Administrator  
817 for review. *If the Director revises the proposed revision of the operating permit, the Director*  
818 *shall, unless the application is for a minor revision described in subsection 8 of NAC*  
819 *445B.3395, enable public participation and comment and provide notice to the public*  
820 *concerning the Director's revision of the operating permit in the manner set forth in*  
821 *subsections 6 and 7 of NAC 445B.3395.*

822 6. The Director shall take action pursuant to subsection 4 or 5 within 90 days after the official  
823 date of submittal of an application for a minor revision or within 15 days after the  
824 Administrator's 45-day review period ends, whichever is later.

825 **Sec. 12.** NAC 445B.3443 is hereby amended to read as follows:

826 445B.3443 1. All Class I operating permits must be renewed 5 years after the date of  
827 issuance.

828 2. A complete application for *the* renewal of a Class I operating permit must be submitted to  
829 the Director on the form provided by the Director with the appropriate fee at least ~~180 calendar~~  
830 *240* days, but no earlier than 18 months, before the expiration date of the current Class I  
831 operating permit for stationary sources.

832 3. Applications for the renewal of a Class I operating permit must comply with all  
833 requirements for the issuance of an initial Class I operating permit as specified in NAC  
834 445B.3395.

835 4. If an application for the renewal of a Class I operating permit is submitted in accordance  
836 with subsection 2, the stationary source may continue to operate under the conditions of the  
837 existing Class I operating permit until the Class I operating permit is renewed or the application  
838 for renewal is denied. If an application is not submitted in accordance with subsection 2, the  
839 stationary source may be required to cease operation when the Class I operating permit expires,  
840 and may not recommence the operation until the Class I operating permit is renewed.

841 5. The fee for the renewal of a Class I operating permit is as specified in NAC 445B.327.

842 **Sec. 13.** NAC 445B.3457 is hereby amended to read as follows:

843 445B.3457 1. Except as otherwise provided in NAC 445B.319 and 445B.342, within 10  
844 working days after the date of receipt of an application for a Class II operating permit or for the  
845 revision of a Class II operating permit, the Director shall determine if the application is  
846 complete. If substantial additional information is required, the Director shall determine that the  
847 application is incomplete and return the application to the applicant. If substantial additional  
848 information is not required, the Director shall determine the application to be complete. Unless  
849 the Director determines that the application is incomplete within 10 working days after the date  
850 of receipt of the application, the official date of submittal of the application shall be deemed to  
851 be the date on which the Director determines that the application is complete or 11 working days  
852 after the date of receipt, whichever is earlier. ~~{The Director shall issue or deny a Class II~~  
853 ~~operating permit or the revision of a Class II operating permit within 60 days after the official~~  
854 ~~submittal of the application for the Class II operating permit or revision of a Class II operating~~  
855 ~~permit.}~~

856 2. If, after the official date of submittal, the Director discovers that additional information is  
857 required to act on the application, the Director may request additional information necessary to

858 determine whether the proposed operation will comply with all of the requirements set forth in  
859 NAC 445B.001 to 445B.3497, inclusive. The applicant must provide in writing any additional  
860 information that the Director requests within the time specified in the request of the Director.  
861 Any delay in the submittal of the requested information will result in a corresponding delay in  
862 the action of the Director on the application submitted to the Director.

863 *3. If notice to the public is not required pursuant to subsection 5, 7 or 9, the Director shall*  
864 *issue or deny a Class II operating permit or the revision of a Class II operating permit within*  
865 *60 days after the official date of submittal of the application for the Class II operating permit*  
866 *or for the revision of the Class II operating permit.*

867 *4. If notice to the public is required pursuant to subsection 5, 7 or 9, the Director shall:*

868 *(a) Make a preliminary determination to issue or deny a Class II operating permit or the*  
869 *revision of a Class II operating permit within 60 days after the official date of submittal of the*  
870 *application for the Class II operating permit or for the revision of the Class II operating*  
871 *permit;*

872 *(b) Take such action as is necessary to ensure compliance with the provisions of*  
873 *subsections 5 to 12, inclusive, as applicable; and*

874 *(c) Issue or deny the Class II operating permit or the revision of the Class II operating*  
875 *permit within the period set forth in subsection 13.*

876 *5. Except as otherwise provided in subsection 11, if an application for a Class II operating*  
877 *permit or for the revision of a Class II operating permit is submitted for a Class II source with*  
878 *proposed facility-wide permitted emissions of [that emits or has the potential to emit] 70 tons*  
879 *or more per year of any one regulated air pollutant:*

880        *(a) The Director’s preliminary determination to issue or deny the Class II operating permit*  
881 *or the revision of the Class II operating permit, and the proposed conditions for the Class II*  
882 *operating permit or the proposed conditions for the revision of the Class II operating permit*  
883 *must, within 10 working days after the Director makes that preliminary determination, be*  
884 *made public and maintained on file with the Director during normal business hours at 333*  
885 *West Nye Lane, Carson City, Nevada, for 30 days to enable public participation and comment;*

886 **[and]**

887        *(b) The Director shall:*

888            *(1) Cause to be published a notice in a newspaper of general circulation in the area in*  
889 *which the Class II source is located;*

890            *(2) Provide written notice to persons on a mailing list developed by the Director,*  
891 *including those persons who request in writing to be included on the list;*

892            *(3) Provide notice by other means if necessary to ensure that adequate notice is given to*  
893 *the public; and*

894            *(4) Establish a 30-day period for public participation.*

895        *6. The notice required pursuant to paragraph (b) of subsection 5 must include:*

896            *(a) The name of the affected facility and the name and address of the applicant;*

897            *(b) The name and address of the state agency processing the Class II operating permit or*  
898 *the revision of the Class II operating permit;*

899            *(c) The name, address and telephone number of a representative from the state agency that*  
900 *is processing the Class II operating permit or the revision of the Class II operating permit*  
901 *from whom interested persons may obtain additional information, including copies of:*

902            *(1) The application;*



903           (2) *The proposed conditions for the Class II operating permit or the proposed conditions*  
904 *for the revision of the Class II operating permit;*

905           (3) *All relevant supporting materials; and*

906           (4) *All other materials which are available to the state agency that is processing the*  
907 *Class II operating permit or the revision of the Class II operating permit and which are*  
908 *relevant to the determination of the issuance of the Class II operating permit or the revision of*  
909 *the Class II operating permit;*

910           (d) *A description of the proposed new Class II source or the proposed modification to the*  
911 *existing Class II source and a summary of the emissions involved;*

912           (e) *The date by which comments must be submitted to the Director;*

913           (f) *A summary of the impact of the proposed new Class II source or the proposed*  
914 *modification to the existing Class II source on the quality of air; and*

915           (g) *A brief description of the procedures for public participation and the time and place of*  
916 *any hearing that may be held, including a statement of the procedures to request a hearing.*

917           7. *Except as otherwise provided in subsection 11, if the stationary source for which an*  
918 *application for a Class II operating permit or for the revision of a Class II operating permit is*  
919 *submitted for a Class II source with proposed facility-wide permitted emissions of [that emits*  
920 *or has the potential to emit] 30 tons or more per year of any one regulated air pollutant but*  
921 *less than 70 tons per year of any one regulated air pollutant and the application is submitted*  
922 *with an environmental evaluation that the applicant is required to submit pursuant to NAC*  
923 *445B.310 or that the applicant has submitted voluntarily if he is not required to submit such*  
924 *an evaluation pursuant to NAC 445B.310:*

925 (a) A notice of receipt by the Director of the application for the Class II operating permit or  
926 for the revision of the Class II operating permit must, within 15 working days after the official  
927 date of submittal of the application, be made public and maintained on file with the Director  
928 during normal business hours at 333 West Nye Lane, Carson City, Nevada, for 15 [30] days to  
929 enable public participation and comment; [and]

930 (b) The Director shall:

931 (1) Cause to be published a notice on the Internet website of the Division of  
932 Environmental Protection of the State Department of Conservation and Natural Resources at  
933 the Internet address <<http://ndep.nv.gov/bapc/ref.html>>; and

934 (2) Establish a 15-day period for public participation concerning the application  
935 received by the Director.

936 8. The notice required pursuant to paragraph (b) of subsection 7 must include:

937 (a) The information listed in paragraphs (a) to (e), inclusive, of subsection 6;

938 (b) The Director's preliminary determination to issue or deny the Class II operating permit  
939 or the revision to the Class II operating permit; and

940 (c) A brief description of the procedures for public participation.

941 9. Except as otherwise provided in subsection 11, if an application for a Class II operating  
942 permit or for the revision of a Class II operating permit is submitted for a Class II source **with**  
943 **proposed facility-wide permitted emissions of [that emits or has the potential to emit]** 30 tons  
944 or more per year of any one regulated air pollutant but less than 70 tons per year of any one  
945 regulated air pollutant and the application is submitted without an environmental evaluation  
946 because the applicant is not required to submit such an evaluation pursuant to NAC 445B.310  
947 and the applicant has not voluntarily submitted such an application:

948        *(a) The Director’s preliminary determination to issue or deny the Class II operating permit*  
949 *or the revision of the Class II operating permit must, within 10 working days after the Director*  
950 *makes that preliminary determination, be made public and maintained on file with the*  
951 *Director during normal business hours at 333 West Nye Lane, Carson City, Nevada, for 15*  
952 *30 days to enable public participation and comment; and*

953        *(b) The Director shall:*

954            *(1) Cause to be published a notice on the Internet website of the Division of*  
955 *Environmental Protection of the State Department of Conservation and Natural Resources at*  
956 *the Internet address <<http://ndep.nv.gov/bapc/ref.html>>; and*

957            *(2) Establish a 15-day period for public participation concerning the application*  
958 *received by the Director.*

959        *10. The notice required pursuant to paragraph (b) of subsection 9 must include:*

960            *(a) The information listed in paragraphs (a) to (f), inclusive, of subsection 6; and*

961            *(b) A brief description of the procedures for public participation.*

962        *11. The provisions of subsections 5 to 10, inclusive, do not apply to a revision of a Class II*  
963 *operating permit if the revision results in an emission increase of any one regulated air*  
964 *pollutant that does not exceed 4,000 pounds per year or results in an emission increase of a*  
965 *hazardous air pollutant that does not exceed 1 pound per hour or 1,000 pounds per year.*

966        *12. All comments concerning the applications for which notice to the public is required to*  
967 *be provided pursuant to this section must be submitted in writing to the Director within the*  
968 *time specified in the notice. The Director shall give notice of any public hearing scheduled*  
969 *pursuant to this section at least 30 days before the date of the hearing. The Director shall keep*

970 *a record of the names of any persons who made comments and of the issues raised during the*  
971 *process for public participation.*

972 *13. If an application for a Class II operating permit or for the revision of a Class II*  
973 *operating permit is submitted for a Class II source that is subject to the notice requirements*  
974 *set forth in subsection 5~~[,7]~~ or 9, the Director shall issue or deny the Class II operating permit*  
975 *or the revision of the Class II operating permit within 30 days after the close of the period for*  
976 *public participation or 30 days after the hearing if a hearing is scheduled pursuant to this*  
977 *section, whichever occurs later. If an application for a Class II operating permit or for the*  
978 *revision of a Class II operating permit is submitted for a Class II source that is subject to the*  
979 *notice requirements set forth in subsection 7, the Director shall issue or deny the Class II*  
980 *operating permit or the revision of the Class II operating permit within 60 days after the*  
981 *official submittal of the application. The Director shall make his decision by taking into*  
982 *account:*

983 *(a) Written comments from the public;*

984 *(b) The comments made during public hearings concerning the application and the*  
985 *Director's preliminary determination for issuance or denial;*

986 *(c) Information submitted by proponents of the project; and*

987 *(d) The effect of such a facility on the maintenance of the State and national ambient air*  
988 *quality standards contained in NAC 445B.22097 and the control strategy contained in the air*  
989 *quality plan.*

990 **Sec. 14.** NAC 445B. 3473 is hereby amended to read as follows:

991 445B.3473 1. All Class II operating permits must be renewed 5 years after the date of  
992 issuance.

993 2. A complete application for renewal of a Class II operating permit must be submitted to the  
994 Director on the form provided by the Director with the appropriate fee at least ~~30~~ :

995 *(a) One hundred and forty days before the expiration date of the current Class II operating*  
996 *permit if the stationary source for which the operating permit was obtained is subject to the*  
997 *requirements of subsection 5 of NAC 445B.3457;*

998 *(b) Seventy days before the expiration date of the current Class II operating permit if the*  
999 *stationary source for which the operating permit was obtained is subject to the requirements of*  
1000 *subsection 7 of NAC 445B.3457; and*

1001 *(c) One hundred and twenty-five days before the expiration date of the current Class II*  
1002 *operating permit ~~if~~ if the stationary source for which the operating permit was obtained is*  
1003 *subject to the requirements of subsection 9 of NAC 445B.3457.*

1004 3. An application for the renewal of a Class II operating permit must comply with all  
1005 requirements for the issuance of an initial Class II operating permit as specified in NAC  
1006 445B.3457.

1007 4. If an application for the renewal of a Class II operating permit is submitted in accordance  
1008 with subsection 2, the stationary source may continue to operate under the conditions of the  
1009 existing Class II operating permit until the permit is renewed or the application for renewal is  
1010 denied. If such an application is not submitted in accordance with subsection 2, the stationary  
1011 source may be required to cease operation when the Class II operating permit expires ~~if~~ and may  
1012 not recommence the operation until the Class II operating permit is renewed.

1013 5. The fee for the renewal of a Class II operating permit is as specified in NAC 445B.327.

1014 **Sec. 15.** NAC 445B.3497 is hereby amended to read as follows:

1015 445B.3497 1. All Class III operating permits must be renewed 5 years after the date of  
1016 issuance.

1017 2. A complete application for renewal of a Class III operating permit must be submitted to  
1018 the Director on the form provided by the Director with the appropriate fee at least ~~30~~ 40 days  
1019 before the expiration date of the current permit for the Class III source.

1020 3. An application for the renewal of a Class III operating permit must comply with all  
1021 requirements for the issuance of an initial Class III operating permit as specified in NAC  
1022 445B.3487.

1023 4. If an application for the renewal of a Class III operating permit is submitted in accordance  
1024 with subsection 2, the stationary source may continue to operate under the conditions of the  
1025 existing Class III operating permit until the permit is renewed or the application for the renewal  
1026 of the Class III operating permit is denied. If an application is not submitted in accordance with  
1027 subsection 2, the stationary source may be required to cease operation when the Class III  
1028 operating permit expires ~~H~~ and may not recommence the operation until the Class III operating  
1029 permit is renewed.

1030 5. The fee for the renewal of a Class III operating permit is as specified in NAC 445B.327.

1031 **Sec. 16.** NAC 445B.273 is hereby repealed.

1032 **TEXT OF REPEALED SECTION**

1033 445B.273 Schedules for compliance.

1034 1. All new and existing stationary sources must comply with NAC 445B.001 to 445B.3497,  
1035 inclusive. Existing stationary sources are in compliance with those sections and may continue to  
1036 operate under the provisions of their approved compliance schedules, which may be amended  
1037 from time to time.

1038 2. Compliance schedules must contain specific progress steps that will be taken toward  
1039 achieving compliance.

1040 3. The Commission may require periodic reports on each phase of progress under approved  
1041 compliance schedules. Failure at any phase to make diligent and reasonable progress toward  
1042 compliance with the approved compliance schedule is an unreasonable delay and subjects the  
1043 operator of the stationary source to administrative fines as provided in NAC 445B.281.

1044 4. In approving compliance schedules, the Commission will take into consideration the social  
1045 and economic effect of the schedule, including, but not limited to, its effect on the availability of  
1046 fuels, energy, transportation and employment.

1047