

**ADOPTED REGULATION OF THE STATE**  
**ENVIRONMENTAL COMMISSION**

**LCB File No. R198-03**

§§2-14, effective April 26, 2004  
§1, effective March 1, 2006

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

AUTHORITY: §§1-14, NRS 445B.210 and 445B.300.

A REGULATION relating to the control of air pollution; making certain changes to the minimum standards of quality for ambient air; providing that a violation concerning fugitive dust is a major violation after the first offense; revising various requirements concerning the submittal of an application for an operating permit, an operating permit to construct, a revision of an operating permit and a revision of an operating permit to construct; requiring certain information to be included in the public notice required for a Class I operating permit to construct or for a revision of an operating permit to construct; requiring notice to the public concerning Class II operating permits or revisions to Class II operating permits under certain circumstances; and providing other matters properly relating thereto.

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

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

1. Smoke from the open burning described in NAC 445B.22067;
2. Smoke discharged in the course of training air pollution control inspectors to observe visible emissions, if the facility has written approval of the Commission;

3. Emissions from an incinerator as set forth in NAC 445B.2207; *or*
4. Emissions of stationary diesel-powered engines during warmup for not longer than 15 minutes to achieve operating temperatures. ~~;~~
- ~~5. Emission from a steam generating unit fired by fossil fuel or wood for boiler lancing or soot blowing, not to exceed 180 minutes in any 24 consecutive hours.]~~

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

445B.22023 1. ~~[This]~~ *The provisions of this* section and NAC 445B.22017 and 445B.2202 apply to any coal-fired steam generating facility used to produce electricity with an equipment manufacturer's guarantee or demonstrated capability of more than  $7,936 \times 10^6$  Btu ( $2,000 \times 10^6$  kg-cal) per hour of heat input which existed before 1972.

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

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

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

**Sec. 3.** NAC 445B.22097 is hereby amended to read as follows:

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

|   |                           | 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<br>(235 µg/m <sup>3</sup> )  | <del>{Chemiluminescence}</del><br><i>Ultraviolet<br/>adsorption</i> | 0.12 ppm<br>(235 µg/m <sup>3</sup> )  | Same as primary                                  | Chemiluminescence  |
| Ozone-Lake Tahoe<br>Basin, #90                              | 1 hour                    | 0.10 ppm<br>(195 µg/m <sup>3</sup> )  | <del>{Chemiluminescence}</del><br><i>Ultraviolet<br/>adsorption</i> | --  | --   | --   |
| Carbon monoxide<br>less than 5,000'<br>above mean sea level | 8 hours                   | 9 ppm<br><del>{(10,000 µg/m<sup>3</sup>)}</del><br><i>(10,500 µg/m<sup>3</sup>)</i> | Nondispersive<br>infrared photometry                                | 9 ppm<br><del>{(10,000<br/>µg/m<sup>3</sup>)}</del><br><i>(10 mg/m<sup>3</sup>)</i> | None   | Nondispersive<br>infrared photometry   |
| At or greater<br>than 5,000' above<br>mean sea level        |                           | 6 ppm<br><del>{(6,670 µg/m<sup>3</sup>)}</del><br><i>(7,000 µg/m<sup>3</sup>)</i>   |   |   |  |  |
| Carbon monoxide at<br>any elevation                         |                           | 1 hour  |   |   |  |  |
| Nitrogen dioxide  | Annual arithmetic<br>mean | 0.053 ppm<br>(100 µg/m <sup>3</sup> )   | Gas phase<br>chemiluminescence                                      | 0.053 ppm<br>(100 µg/m <sup>3</sup> )   | Same as primary                                  | Gas phase<br>chemiluminescence   |
| Sulfur dioxide  | Annual arithmetic<br>mean | <del>{0.03 ppm}</del><br><i>0.030 ppm</i><br>(80 µg/m <sup>3</sup> )                | Ultraviolet<br>fluorescence   | <del>{0.03 ppm}</del><br><i>0.030 ppm</i><br><del>{(80 µg/m<sup>3</sup>)}</del>     | None   | <del>{Pararosaniline<br/>method}</del><br><i>Spectrophotometry<br/>(Pararosaniline<br/>method)</i> |
|   | 24 hours                  | 0.14 ppm<br>(365 µg/m <sup>3</sup> )  |   | 0.14 ppm<br><del>{(365 µg/m<sup>3</sup>)}</del>                                     |  |  |
|   | 3 hours                   | 0.5 ppm<br>(1,300 µg/m <sup>3</sup> )   |   | None  | 0.5 ppm<br><del>{(1,300 µg/m<sup>3</sup>)}</del> |  |
| Particulate matter<br>as PM <sub>10</sub> <sup>(4)</sup>    | Annual arithmetic<br>mean | 50 µg/m <sup>3</sup>  | High volume PM <sub>10</sub><br>sampling                            | 50 µg/m <sup>3</sup>  | Same as primary                                  | High volume<br>PM <sub>10</sub> sampling   |
|   | 24 hours                  | 150 µg/m <sup>3</sup>   |   | 150 µg/m <sup>3</sup>   |  |  |

|                         |                           | 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>   | High volume sampling, acid extraction and atomic absorption spectrometry         | 1.5 µg/m <sup>3</sup>           | Same as primary          | High volume sampling, acid extraction and atomic absorption spectrometry |
| <del>[Visibility]</del> | <del>[Observation]</del>  | <del>[In-sufficient amount to reduce the prevailing visibility<sup>G</sup> to less than 3.0 miles when humidity is less than 70%]</del> | <del>[Observer or camera]</del>  | --                              | --                       | --   |
| Hydrogen sulfide        | 1 hour                    | 0.08 ppm<br>(112 µg/m <sup>3</sup> ) <del>[H<sub>2</sub>S]</del> <sup>G1</sup>  | <del>[Cadmium hydroxide extract method]</del><br><i>Ultraviolet fluorescence</i> | --                              | --                       | --   |

Notes:

Note A: ~~[These standards must not]~~ *The Director shall use the Nevada standards in considering whether to issue a permit for a stationary source and shall ensure that the stationary source will not cause the Nevada standards to* be exceeded in areas where the general public has access.

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

of times the standard has been exceeded per year for the last 3 years. *The National standards are to be used in determinations of attainment or nonattainment.*

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

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

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

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

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

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

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

~~—3.— As used in this section:~~

~~—(a) “µg/m<sup>3</sup>” means micrograms per cubic meter.~~

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

~~4.] 2.~~ These standards of quality for ambient air are minimum goals, and it is the intent of the Commission in this section to protect the existing quality of Nevada’s air to the extent that it is economically and technically feasible.

**Sec. 4.** NAC 445B.221 is hereby amended to read as follows:

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

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

(a) Subpart A, ~~[General Provisions.~~

~~—(b) Subpart C, Emission Guidelines and Compliance Times.~~

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

~~—(d) Subpart Cc, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills.~~

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

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

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

- ~~—(h) Subpart Da, Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.~~
- ~~—(i) Subpart Db, Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.~~
- ~~—(j) Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.~~
- ~~—(k) Subpart E, Standards of Performance for Incinerators.~~
- ~~—(l) Subpart Ea, Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989, and On or Before September 20, 1994.~~
- ~~—(m) Subpart Eb, Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994, or for Which Modification or Reconstruction is Commenced After June 19, 1996.~~
- ~~—(n) Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996.~~
- ~~—(o) Subpart F, Standards of Performance for Portland Cement Plants.~~
- ~~—(p) Subpart G, Standards of Performance for Nitric Acid Plants.~~
- ~~—(q) Subpart H, Standards of Performance for Sulfuric Acid Plants.~~
- ~~—(r) Subpart I, Standards of Performance for Hot Mix Asphalt Facilities.~~
- ~~—(s) Subpart J, Standards of Performance for Petroleum Refineries.~~
- ~~—(t) Subpart K, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.~~

- ~~—(u) Subpart Ka, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.~~
- ~~—(v) Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.~~
- ~~—(w) Subpart L, Standards of Performance for Secondary Lead Smelters.~~
- ~~—(x) Subpart M, Standards of Performance for Secondary Brass and Bronze Production Plants.~~
- ~~—(y) Subpart N, Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.~~
- ~~—(z) Subpart Na, Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.~~
- ~~—(aa) Subpart O, Standards of Performance for Sewage Treatment Plants.~~
- ~~—(bb) Subpart P, Standards of Performance for Primary Copper Smelters.~~
- ~~—(cc) Subpart Q, Standards of Performance for Primary Zinc Smelters.~~
- ~~—(dd) Subpart R, Standards of Performance for Primary Lead Smelters.~~
- ~~—(ee) Subpart S, Standards of Performance for Primary Aluminum Reduction Plants.~~
- ~~—(ff) Subpart T, Standards of Performance for the Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants.~~
- ~~—(gg) Subpart U, Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.~~
- ~~—(hh) Subpart V, Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.~~



- ~~—(ii) Subpart W, Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.~~
- ~~—(jj) Subpart X, Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.~~
- ~~—(kk) Subpart Y, Standards of Performance for Coal Preparation Plants.~~
- ~~—(ll) Subpart Z, Standards of Performance for Ferroalloy Production Facilities.~~
- ~~—(mm) Subpart AA, Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983.~~
- ~~—(nn) Subpart AAa, Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983.~~
- ~~—(oo) Subpart BB, Standards of Performance for Kraft Pulp Mills.~~
- ~~—(pp) Subpart CC, Standards of Performance for Glass Manufacturing Plants.~~
- ~~—(qq) Subpart DD, Standards of Performance for Grain Elevators.~~
- ~~—(rr) Subpart EE, Standards of Performance for Surface Coating of Metal Furniture.~~
- ~~—(ss) Subpart GG, Standards of Performance for Stationary Gas Turbines.~~
- ~~—(tt) Subpart HH, Standards of Performance for Lime Manufacturing Plants.~~
- ~~—(uu) Subpart KK, Standards of Performance for Lead-Acid Battery Manufacturing Plants.~~
- ~~—(vv) Subpart LL, Standards of Performance for Metallic Mineral Processing Plants.~~
- ~~—(ww) Subpart MM, Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.~~
- ~~—(xx) Subpart NN, Standards of Performance for Phosphate Rock Plants.~~
- ~~—(yy) Subpart PP, Standards of Performance for Ammonium Sulfate Manufacture.~~

- ~~—(zz) Subpart QQ, Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.~~
- ~~—(aaa) Subpart RR, Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.~~
- ~~—(bbb) Subpart SS, Standards of Performance for Industrial Surface Coating: Large Appliances.~~
- ~~—(ccc) Subpart TT, Standards of Performance for Metal Coil Surface Coating.~~
- ~~—(ddd) Subpart UU, Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.~~
- ~~—(eee) Subpart VV, Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.~~
- ~~—(fff) Subpart WW, Standards of Performance for the Beverage Can Surface Coating Industry.~~
- ~~—(ggg) Subpart XX, Standards of Performance for Bulk Gasoline Terminals.~~
- ~~—(hhh) Subpart AAA, Standards of Performance for New Residential Wood Heaters.~~
- ~~—(ppp) Subpart KKK, Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.~~
- ~~—(qqq) Subpart LLL, Standards of Performance for Onshore Natural Gas Processing: SO<sub>2</sub> Emissions.~~
- ~~—(rrr) Subpart NNN, Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.~~
- ~~—(sss) Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.~~

~~—(ttt) Subpart PPP, Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants.~~

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

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

~~—(www) Subpart SSS, Standards of Performance for Magnetic Tape Coating Facilities.~~

~~—(xxx) Subpart TTT, Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.~~

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

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

~~—(aaaa) Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills.]~~  
*except §§ 60.4, 60.8(b)(3) and 60.11(e).*

*(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, 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, NN, PP, QQ, RR, SS, TT, UU, VV, WW, XX, AAA, BBB, DDD, FFF, GGG, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV, WWW and AAAA.*

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

- ~~—(a) Subpart A, General Provisions.~~
- ~~—(b) Subpart B, National Emission Standards for Radon Emissions from Underground Uranium Mines.~~
- ~~—(c) Subpart C, National Emission Standard for Beryllium.~~
- ~~—(d) Subpart D, National Emission Standard for Beryllium Rocket Motor Firing.~~
- ~~—(e) Subpart E, National Emission Standard for Mercury.~~
- ~~—(f) Subpart F, National Emission Standard for Vinyl Chloride.~~
- ~~—(g) Subpart H, National Emission Standards for Emissions of Radionuclides Other than Radon from Department of Energy Facilities.~~
- ~~—(h) Subpart I, National Emission Standards for Radionuclide Emissions from Federal Facilities other than Nuclear Regulatory Commission Licensees and not Covered by Subpart H.~~
- ~~—(i) Subpart J, National Emission Standards for Equipment Leaks (Fugitive Emission Sources) of Benzene.~~
- ~~—(j) Subpart K, National Emission Standards for Radionuclide Emissions from Elemental Phosphorus Plants.~~
- ~~—(k) Subpart L, National Emission Standards for Benzene Emissions from Coke By Product Recovery Plants.~~
- ~~—(l) Subpart M, National Emission Standards for Asbestos.~~
- ~~—(m) Subpart N, National Emission Standards for Inorganic Arsenic Emissions from Glass Manufacturing Plants.~~
- ~~—(n) Subpart O, National Emission Standards for Inorganic Arsenic Emissions from Primary Copper Smelters.~~

~~—(o) Subpart P, National Emission Standards for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.~~

~~—(p) Subpart Q, National Emission Standards for Radon Emissions from Department of Energy Facilities.~~

~~—(q) Subpart R, National Emission Standards for Radon Emissions from Phosphogypsum Stacks.~~

~~—(r) Subpart T, National Emission Standards for Radon Emissions from the Disposal of Uranium Mill Tailings.~~

~~—(s) Subpart V, National Emission Standards for Equipment Leaks (Fugitive Emission Sources).~~

~~—(t) Subpart W, National Emission Standards for Radon Emissions from Operating Mill Tailings.~~

~~—(u) Subpart Y, National Emission Standards for Benzene Storage Vessels.~~

~~—(v) Subpart BB, National Emission Standard for Benzene Emissions from Benzene Transfer Operations.~~

~~—(w) Subpart FF, National Emission Standard for Benzene Waste Operations.~~

~~—4. The following subparts] 2003.~~

*4. 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, HH, II, JJ, KK, LL, MM, OO, PP, QQ, RR, SS, TT, UU, VV, WW, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, CCCC, GGGG, HHHH, SSSS, TTTT, UUUU and VVVV* of Title 40 C.F.R. Part 63 are hereby adopted by reference as they existed on July 1, ~~[2000:~~

~~—(a) Subpart A, General Provisions.~~

- ~~—(b) Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j).~~
- ~~—(c) Subpart F, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.~~
- ~~—(d) Subpart G, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations and Wastewater.~~
- ~~—(e) Subpart H, National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.~~
- ~~—(f) Subpart I, National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.~~
- ~~—(g) Subpart L, National Emission Standards for Coke Oven Batteries.~~
- ~~—(h) Subpart M, National Perchloroethylene Air Emission Standards for Dry-Cleaning Facilities.~~
- ~~—(i) Subpart N, National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.~~
- ~~—(j) Subpart O, Ethylene Oxide Emissions Standards for Sterilization Facilities.~~
- ~~—(k) Subpart Q, National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.~~
- ~~—(l) Subpart R, National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).~~
- ~~—(m) Subpart S, National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.~~

- ~~—(n) Subpart T, National Emission Standards for Halogenated Solvent Cleaning.~~
- ~~—(o) Subpart U, National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.~~
- ~~—(p) Subpart W, National Emission Standards for Hazardous Air Pollutants for Epoxy Resin Production and Non-Nylon Polyamides Production.~~
- ~~—(q) Subpart X, National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting.~~
- ~~—(r) Subpart Y, National Emission Standards for Hazardous Air Pollutants for Marine Tank Vessel Loading Operations.~~
- ~~—(s) Subpart AA, National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants.~~
- ~~—(t) Subpart BB, National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants.~~
- ~~—(u) Subpart CC, National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.~~
- ~~—(v) Subpart DD, National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.~~
- ~~—(w) Subpart EE, National Emission Standards for Hazardous Air Pollutants for Magnetic Tape Manufacturing Operations.~~
- ~~—(x) Subpart GG, National Emission Standards for Hazardous Air Pollutants for Aerospace Manufacturing and Rework Facilities.~~
- ~~—(y) Subpart HH, National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities.~~

- ~~—(z) Subpart II, National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating).~~
- ~~—(aa) Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations.~~
- ~~—(bb) Subpart KK, National Emission Standards for the Printing and Publishing Industry.~~
- ~~—(cc) Subpart LL, National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants.~~
- ~~—(dd) Subpart OO, National Emission Standards for Tanks—Level 1.~~
- ~~—(ee) Subpart PP, National Emission Standards for Containers.~~
- ~~—(ff) Subpart QQ, National Emission Standards for Surface Impoundments.~~
- ~~—(gg) Subpart RR, National Emission Standards for Individual Drain Systems.~~
- ~~—(hh) Subpart SS, National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.~~
- ~~—(ii) Subpart TT, National Emission Standards for Equipment Leaks—Control Level 1.~~
- ~~—(jj) Subpart UU, National Emission Standards for Equipment Leaks—Control Level 2 Standards.~~
- ~~—(kk) Subpart VV, National Emission Standards for Oil Water Separators and Organic Water Separators.~~
- ~~—(ll) Subpart WW, National Emission Standards for Storage Vessels (Tanks)—Control Level 2.~~
- ~~—(mm) Subpart YY, National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.~~
- ~~—(nn) Subpart CCC, National Emission Standards for Hazardous Air Pollutants for Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants.~~



- ~~—(oo) Subpart DDD, National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.~~
- ~~—(pp) Subpart EEE, National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.~~
- ~~—(qq) Subpart GGG, National Emission Standards for Pharmaceuticals Production.~~
- ~~—(rr) Subpart HHH, National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities.~~
- ~~—(ss) Subpart III, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.~~
- ~~—(tt) Subpart JJJ, National Emission Standards for Hazardous Air Pollutants Emissions: Group IV Polymers and Resins.~~
- ~~—(uu) Subpart LLL, National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry.~~
- ~~—(vv) Subpart MMM, National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.~~
- ~~—(ww) Subpart NNN, National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.~~
- ~~—(xx) Subpart OOO, National Emission Standards for Hazardous Air Pollutants Emissions: Manufacture of Amino/Phenolic Resins.] 2003.~~

5. Title 40 C.F.R. Part 72 is hereby adopted by reference as it existed on July 1, ~~[2000.]~~ **2003**. If the provisions of 40 C.F.R. Part 72 conflict with or are not included in NAC 445B.001 to 445B.3497, inclusive, the provisions of 40 C.F.R. Part 72 apply.

6. Title 40 C.F.R. Part 76 is hereby adopted by reference as it existed on July 1, ~~2000~~ **2003**. If the provisions of 40 C.F.R. Part 76 conflict with or are not included in NAC 445B.001 to 445B.3497, inclusive, the provisions of 40 C.F.R. Part 76 apply.

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

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

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

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

The price is:

|   |                         |
|---|-------------------------|
| (1) For the volume containing §§ 51.100(s), 51.100(hh) to 51.100(kk),<br>inclusive, 51.100(nn) and 51.165 and Appendices S and W of<br>Part 51..... | <del>38</del> <b>40</b> |
| (2) For § 52.21.....  | <del>50</del> <b>55</b> |
| (3) For Part 60 (Sections 60.1 to end).....   | <del>53</del> <b>58</b> |
| (4) For Part 60 (Appendices).....   | 51                      |
| (5) For Parts 61 - 62.....  | <del>38</del> <b>43</b> |
| (6) For Part 63 (Sections 63.1 to 63.599).....  | <del>53</del> <b>58</b> |
| (7) For Part 63 (Sections 63.600 to 63.1199).....   | <del>44</del> <b>50</b> |
| (8) <b>For Part 63 (Sections 63.1200 to 63.1439).....</b>   | <b>50</b>               |

- (9) *For Part 63 (Sections 63.1440 to end) .....64*
- (10) For the volume containing Parts 72 and 76 .....~~55~~ 59

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

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

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

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

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

**Sec. 5.** NAC 445B.281 is hereby amended to read as follows:

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

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

(a) *Violations* of NAC ~~[445B.22037,]~~ 445B.22067, 445B.2207, 445B.22087, subsections 3 and 4 of NAC 445B.232, subsection 8 of NAC 445B.252, subsection 2 of NAC 445B.265, paragraph (e) of subsection 1 of NAC 445B.275 and NAC 445B.331 are classified as minor or

lesser violations, unless there are four or more violations of any one of those sections by a person, occurring within a period of 60 consecutive months.

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

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

|  | First<br>Offense | Second<br>Offense                                | Third<br>Offense                                 |
|--|------------------|--|--|
| NAC 445B.22037, fugitive dust .....  | \$250            | <del>[\$500]</del><br><i>Major<br/>violation</i> | <del>[\$500]</del><br><i>Major<br/>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<br>emissions .....                            | 250              | 500  | 500  |
| Subsection 8 of NAC 445B.252, testing and sampling<br>reporting.....                                 | 250              | 500  | 500  |
| Subsection 2 of NAC 445B.265, reporting of monitoring<br>systems .....                               | 250              | 500  | 500  |
| Paragraph (e) of subsection 1 of NAC 445B.275,<br>recordkeeping, monitoring, reporting or compliance | 250              | 500  | 500  |

|  | First   | Second  | Third   |
|--|---------|---------|---------|
|  | Offense | Offense | Offense |

|  |     |     |     |
|--|-----|-----|-----|
| certification.....                     |     |     |     |
| NAC 445B.331, change of location ..... | 250 | 500 | 500 |

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

**Sec. 6.** NAC 445B.298 is hereby amended to read as follows:

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

1. *An* operating permit ~~for a~~ ;
2. *An operating permit to construct;*
3. *A* revision of an existing operating permit ; *or*
4. *A revision of an existing operating permit to construct,*

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

**Sec. 7.** NAC 445B.3364 is hereby amended to read as follows:

445B.3364 1. Except for sources that are subject to the permitting requirements set forth in 40 C.F.R. § 52.21, within 45 days after the date of receipt of an application for ~~an~~ *a Class I* operating permit to construct ~~;~~ *or for the revision of a Class I operating permit to construct,* the Director shall determine if the application is complete. If substantial additional information is required, the Director shall determine that the application is incomplete and return the application to the applicant. If substantial additional information is not required, the Director

shall determine the application to be complete. Unless the Director determines that the application is incomplete within 45 days after the date of receipt of the application, the official date of submittal of the application shall be deemed to be the date on which the Director determines that the application is complete or the 46th day after the date of receipt, whichever is earlier. Within 90 days after the official date of submittal, the Director shall *make a preliminary determination to* issue or deny an operating permit to construct ~~[ ]~~ *or a revision of a Class I operating permit to construct.*

2. For sources subject to the permitting requirements set forth in 40 C.F.R. § 52.21, within 30 days after the date of receipt of an application for ~~[an]~~ *a Class I* operating permit to construct ~~[ ]~~ *or for the revision of a Class I operating permit to construct*, the Director shall determine ~~[if]~~ *whether* the application ~~[is complete.]~~ *contains adequate information to process the application. The official date of submittal of the application shall be deemed to be 31 days after the date of receipt, unless the Director determines before that date that substantial additional information is required. If the Director determines that* substantial additional information is required, the Director shall ~~[determine that the application is incomplete and]~~ return the application to the applicant. ~~[If substantial additional information is not required, the Director shall determine the application to be complete. Unless the Director determines that the application is incomplete within 30 days after the date of receipt of the application, the official date of submittal of the application shall be deemed to be the date on which the Director determines that the application is complete or the 31st day after the date of receipt, whichever is earlier.]~~ *The Director shall require the applicant to submit a new application or the applicant may formally withdraw the application.* Within 180 days after the official date of submittal, the Director shall *make a preliminary determination to* issue or deny an operating permit to

construct ~~H~~ *or a revision of an operating permit to construct. For the purposes of 40 C.F.R. §52.21, the application shall be deemed to be complete on the date that the Director makes the preliminary determination to issue or deny a Class I operating permit to construct or a revision of an operating permit to construct.*

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

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

5. The Director shall:

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

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

(c) Provide notice by other means if necessary to ensure that adequate notice is given to the public;

(d) Provide a copy of the Director's preliminary intent to issue or deny the operating permit to construct and the proposed operating permit to construct to the Administrator; and

(e) Establish a 30-day period for comment from the public and the EPA.

*6. In addition to the requirements set forth in subsection 5, the notice required for a Class I operating permit to construct or for a revision of an operating permit to construct must identify:*

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

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

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

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

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

*7. All comments concerning the Director's review and the preliminary intent for the issuance or denial of a Class I operating permit to construct or of a revision of a Class I*



*operating permit to construct must be submitted in writing to the Director within 30 days after the public announcement. The Director shall give notice of any public hearing at least 30 days before the date of the hearing. The Director shall keep a record of the names of any persons who made comments and of the issues raised during the process for public participation.*

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

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

**Sec. 8.** NAC 445B.3395 is hereby amended to read as follows:

445B.3395 1. Except *for sources subject to the permitting requirements set forth in 40 C.F.R. § 52.21 and* as otherwise provided in this subsection, within 60 ~~calendar~~ days after the date on which an application for a Class I operating permit or for the significant revision of a Class I operating permit is received, the Director shall determine ~~if~~ *whether* the application is complete. If substantial additional information is required, the Director shall determine that the application is incomplete and return the application to the applicant. If substantial additional information is not required, the Director shall determine that the application is complete. Unless the Director determines that the application is incomplete within 60 days after the date of receipt,

the official date of submittal shall be deemed to be the date on which the Director determines that the application is complete or 61 days after the date of receipt, whichever is earlier.

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

*3. If, after the official date of submittal, the Director discovers that additional information is required to act on the application, the Director may request such additional information that is necessary to determine whether the proposed operation will comply with all the requirements set forth in NAC 445B.001 to 445B.3497, inclusive. The applicant must provide in writing any additional information that the Director requests within the time specified in the request of the Director. Any delay in the submittal of the requested information will result in a corresponding delay in the action of the Director on the application submitted to the Director pursuant to subsection 1 or 2.*

4. Except as otherwise provided in this ~~subsection,~~ *section*, within 180 ~~calendar~~ days after the official date of submittal of an application for a Class I operating permit or for the revision of a Class I operating permit, the Director shall make a preliminary determination to issue or deny the Class I operating permit or the revision of the Class I operating permit. The

Director shall give preliminary notice of his intent to issue or deny the Class I operating permit or the revision of the Class I operating permit within 180 ~~calendar~~ days after the official date of submittal.

~~3.1~~ 5. Within 10 working days after the receipt of an application for a minor revision of a Class I operating permit, the Director shall determine ~~if~~ *whether* the application is complete. If substantial additional information is required, the Director shall determine the application to be incomplete and return the application to the applicant. If substantial additional information is not required, the Director shall determine the application to be complete. Unless the Director determines that the application is incomplete within 10 working days after the date on which the Director receives the application, the official date of submittal is the date on which the Director determines that the application is complete or 11 working days after the date of receipt, whichever is earlier.

~~4.1~~ 6. The Director's review and preliminary intent to issue or deny a Class I operating permit *or the revision of a Class I operating permit* and the proposed conditions for the Class I operating permit must be made public and maintained on file with the Director during normal business hours at 333 West Nye Lane, Carson City, Nevada, and in the air quality region where the source is located for 30 ~~calendar~~ days to enable public participation and comment and a review by any affected states.

~~5.1~~ 7. The Director shall:

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

(b) Provide written notice to:

- (1) Persons on a mailing list developed by the Director, including those persons who request in writing to be included on the list; and
- (2) Any affected state;
- (c) Provide notice by other means if necessary to ensure that adequate notice is given to the public and affected states;
- (d) Provide a copy of the Director's review of the application, the Director's preliminary intent to issue or deny the Class I operating permit *or the revision of a Class I operating permit*, and the proposed Class I operating permit to the Administrator; and
- (e) Establish a 30-day period for public comment.

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

- (a) *An* administrative amendment to a Class I operating permit made pursuant to NAC 445B.319 ~~], a]~~;
- (b) *A* change without revision to a Class I operating permit made pursuant to NAC 445B.342; or ~~an]~~
- (c) *A* minor revision of a Class I operating permit made pursuant to NAC 445B.3425 ~~]~~ *—7.]*, *if the Director determines that the minor revision does not result in a significant change in air quality at any location where the public is present on a regular basis.*

*9.* The notice required for a Class I operating permit *or for a revision of a Class I operating permit* pursuant to subsection ~~5]~~ *7* must identify:

- (a) The affected facility and the name and address of the applicant;
- (b) The name and address of the authority processing the Class I operating permit;
- (c) The activity or activities involved in the Class I operating permit and the emissions change involved in any revision of the Class I operating permit;

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

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

~~{8}~~ **10.** All comments on the Director's review and preliminary intent for the issuance or denial of a Class I operating permit *or a revision of a Class I operating permit* must be submitted in writing to the Director within 30 ~~{calendar}~~ days after the public announcement. The Director shall give notice of any public hearing at least 30 days before the date of the hearing. The Director shall keep a record of the names of any persons who made comments and of the issues raised during the process for public participation.

~~{9}~~ **11.** Except as otherwise provided in subsection ~~{10}~~ **12** and NAC 445B.319, 445B.342 and 445B.3425, within 12 months after the official date of submittal of a Class I-B application, the Director shall issue or deny the application for a Class I-B operating permit or for a revision of the Class I-B operating permit. The Director shall make his decision by taking into account written comments from the public, affected states and the Administrator, and the comments made during public hearings on the Director's review and preliminary intent for issuance or denial, information submitted by proponents of the project and the effect of such a facility on the maintenance of the State, and national ambient air quality standards contained in NAC 445B.22097 and the control strategy contained in the air quality plan. The Director shall send a copy of the final Class I-B operating permit to the Administrator.

~~{10.}~~ **12.** For stationary sources subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, adopted pursuant to NAC 445B.221, the Director shall issue or deny an application for a Class I operating permit, or for the revision or renewal of a Class I operating permit, within 12 months after ~~receiving a complete application.~~

~~{11.}~~ *the official date of submittal of an application for a new Class I operating permit or the revision of a Class I operating permit. The application shall be deemed to be complete for the purposes of 40 C.F.R. § 52.21 on the date that the Director makes the preliminary determination to issue or deny the Class I operating permit or the revision of the Class I operating permit.*

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

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

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

~~{14.}~~ **16.** If construction will occur in one phase, a Class I operating permit or the revision of a Class I operating permit for a new or modified stationary source, other than a stationary source subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant

deterioration of air quality, expires if construction is not commenced within 18 months after the date of issuance thereof or construction of the facility is delayed for 18 months after initiated.

The Director may extend the date on which the construction may be commenced upon a showing that the extension is justified.

~~15.17.~~ **17.** If construction will occur in more than one phase, the projected date of the commencement of construction of each phase of construction must be approved by the Director. A Class I operating permit or the revision of a Class I operating permit for a new or modified stationary source, other than a stationary source subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, expires if the initial phase of construction is not commenced within 18 months after the projected date of the commencement of construction approved by the Director. The Director may extend only the date on which the initial phase of construction may be commenced upon a showing that the extension is justified.

**Sec. 9.** NAC 445B.3425 is hereby amended to read as follows:

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

(a) Does not violate any applicable requirement;

(b) Does not involve significant changes to the existing requirements for monitoring,

reporting or recordkeeping;

(c) Does not require or change:

(1) A determination of an emission limitation or other standard on a case-by-case basis;

(2) A determination of the ambient impact for any temporary source; or

(3) A visibility or increment analysis;

(d) Does not establish or change a condition of the operating permit for which there is no corresponding underlying applicable requirement and which was requested in order to avoid an applicable requirement, including:

- (1) A federally enforceable emissions cap; or
- (2) An alternative emission limitation pursuant to 42 U.S.C. § 7412(i)(5);

(e) Is not a modification pursuant to any provision of 42 U.S.C. §§ 7401 to 7515, inclusive; and

(f) Does not result in an increase in allowable emissions that exceeds any of the following specified thresholds:

- (1) Carbon monoxide, 100 tons per year.
- (2) Nitrogen oxides, 40 tons per year.
- (3) Sulfur dioxide, 40 tons per year.
- (4) PM<sub>10</sub>, 15 tons per year.
- (5) Ozone, 40 tons per year of volatile organic compounds.
- (6) Sulfuric acid mist, 7 tons per year.
- (7) Hydrogen sulfide (H<sub>2</sub>S), 10 tons per year.

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

- (a) A description of the modification;
- (b) A description of the emissions resulting from the modification;
- (c) An identification of any new applicable requirements that will apply because of the modification;
- (d) Suggested conditions of the operating permit;



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

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

3. The Director shall:

(a) Determine, in accordance with subsection ~~{3}~~ 5 of NAC 445B.3395, whether the application for a minor revision is complete.

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

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

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

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

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

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

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

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

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

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

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

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

5. If the Administrator objects to the minor revision, the Director shall:

(a) Deny the application for the minor revision;

(b) Determine whether the minor revision should be reviewed under the procedures for a significant revision; or

(c) Revise the proposed revision of the operating permit and forward it to the Administrator for review. *If the Director revises the proposed revision of the operating permit, the Director shall, unless the application is for a minor revision described in subsection 8 of NAC 445B.3395, enable public participation and comment and provide notice to the public*

*concerning the Director's revision of the operating permit in the manner set forth in subsections 6 and 7 of NAC 445B.3395.*

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

**Sec. 10.** NAC 445B.3443 is hereby amended to read as follows:

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

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

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

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

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

**Sec. 11.** NAC 445B.3457 is hereby amended to read as follows:

445B.3457 1. Except as otherwise provided in NAC 445B.319 and 445B.342, within 10 working days after the date of receipt of an application for a Class II operating permit or for the revision of a Class II operating permit, the Director shall determine if the application is complete. If substantial additional information is required, the Director shall determine that the application is incomplete and return the application to the applicant. If substantial additional information is not required, the Director shall determine the application to be complete. Unless the Director determines that the application is incomplete within 10 working days after the date of receipt of the application, the official date of submittal of the application shall be deemed to be the date on which the Director determines that the application is complete or 11 working days after the date of receipt, whichever is earlier. ~~[The Director shall issue or deny a Class II operating permit or the revision of a Class II operating permit within 60 days after the official submittal of the application for the Class II operating permit or revision of a Class II operating permit.]~~

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

***3. If notice to the public is not required pursuant to subsection 5, the Director shall issue or deny a Class II operating permit or the revision of a Class II operating permit within 60***

*days after the official date of submittal of the application for the Class II operating permit or for the revision of the Class II operating permit.*

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

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

*(b) Take such action as is necessary to ensure compliance with the provisions of subsections 5 to 7, inclusive, as applicable; and*

*(c) Issue or deny the Class II operating permit or the revision of the Class II operating permit within the period set forth in subsection 8.*

*5. If, after review of an application for a Class II operating permit or for the revision of a Class II operating permit, the Director determines that the change to the stationary source results in a significant change in air quality at any location where the public is present on a regular basis:*

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

*(b) The Director shall:*

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

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

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

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

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

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

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

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

*(1) The application;*

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

*(3) All relevant supporting materials; and*

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

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

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

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

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

*7. All comments concerning the applications for which notice to the public is required to be provided pursuant to this section must be submitted in writing to the Director within the time specified in the notice. The Director shall give notice of any public hearing scheduled pursuant to this section at least 30 days before the date of the hearing. The Director shall keep a record of the names of any persons who made comments and of the issues raised during the process for public participation.*

*8. If an application for a Class II operating permit or for the revision of a Class II operating permit is submitted for a Class II source that is subject to the notice requirements set forth in subsection 5, the Director shall issue or deny the Class II operating permit or the revision of the Class II operating permit within 30 days after the close of the period for public participation or 30 days after the hearing if a hearing is scheduled pursuant to this section, whichever occurs later. The Director shall make his decision by taking into account:*

*(a) Written comments from the public;*

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

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

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

**Sec. 12.** NAC 445B. 3473 is hereby amended to read as follows:

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

2. A complete application for renewal of a Class II operating permit must be submitted to the Director on the form provided by the Director with the appropriate fee at least ~~30~~ 70 days before the expiration date of the current Class II operating permit.

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

4. If an application for the renewal of a Class II operating permit is submitted in accordance with subsection 2, the stationary source may continue to operate under the conditions of the existing Class II operating permit until the permit is renewed or the application for renewal is denied. If such an application is not submitted in accordance with subsection 2, the stationary source may be required to cease operation when the Class II operating permit expires ~~6~~ and may not recommence the operation until the Class II operating permit is renewed.

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

**Sec. 13.** NAC 445B.3497 is hereby amended to read as follows:

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



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

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

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

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

**Sec. 14.** 1. This section and sections 2 through 13, inclusive, of this regulation become effective on April 26, 2004.

2. Section 1 of this regulation becomes effective on March 1, 2006.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R198-03**

The State Environmental Commission adopted regulations assigned LCB File No. R198-03 which pertain to chapter 445B of the Nevada Administrative Code.

**Notice date:** 1/23/2004  
**Hearing date:** 2/26/2004

**Date of adoption by agency:** 2/26/2004  
**Filing date:** 4/26/2004

**INFORMATIONAL STATEMENT**

The regulation changes the permitting provisions of NAC 445B - Air Pollution Control. The regulation provides a sunset provision for the exception to visible emission rules that is currently allowed for boiler lancing or soot blowing at fossil fuel or wood fired steam generating units. It removes the state visibility standard; make violations of the fugitive dust regulations a major violation after the first offense; and revises the procedures for determining when an application for a Class I/PSD operating permit is considered complete.

The regulation requires public notification of certain minor revisions to Class I operating permits, as well as public notification of certain Class II operating permit applications and revisions to allow public comment pursuant to the Clean Air Act, Title I. The regulation increases timelines for processing Class I and II operating permit revisions and renewals, depending on the new public notification requirements; and makes several clarifications and technical corrections.

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

In January, the Nevada Division of Environmental Protection (NDEP) Bureaus of Air Pollution Control (BAPC) and Air Quality Planning (BAQP) conducted workshops in Carson City, Winnemucca and Pahrump Nevada. The workshops were held to solicit public comments on the proposed regulations. Additional meetings were held with affected industries during February to address specific concerns. Copies of the proposed regulations were made available at the workshops and continuously maintained on NDEP and the State Environmental Commission's websites.

The proposed regulation was also noticed by the State Environmental Commission (SEC) in the Las Vegas Review Journal (LVRJ) and Reno Gazette Journal (RGJ) newspapers on the following dates – January 28, February 4, and February 11, 2004. The public was subsequently mailed a public notice and meeting agenda for the SEC hearing; the SEC mailing list was used for both mailings.

At the SEC hearing, there were public oral comments received by the Commission during the adoption of the referenced regulation. Comments in support of the regulation were provided by the Nevada Mining Association.

**2. The number persons who:**

- |  |    |
|--|----|
| (a) Attended February 26, 2004 hearing;        | 40 |
| (b) Testified on this Petition at the hearing; | 2  |
| (c) Submitted to the agency written comments;  | 2  |

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

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. Workshop notices were sent to every business with an air quality permit as well as trade associations and other interested parties on the mailing list maintained by BAPC and BAQP. For their comments see #1 above.

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

The regulation was adopted by the State Environmental Commission on February 26, 2004. The regulation was altered from the original draft permanent regulations received from LCB on February 3, 2004 (R-198-03). The changes to the LCB draft regulation reflect comments obtained through numerous public workshops held throughout Nevada by the Division of Environmental Protection Bureaus of Air Pollution Control and Air Quality Planning. Changes were also made at the SEC Hearing to reflect concerns identified by the Nevada Mining Association. These changes were accepted by the SEC and constitute an augmentation of content from the original LCB draft regulations dated February 3, 2004.

**5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.**

The proposed regulation will have no measurable economic effects on the public or the regulated industries.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There will be no additional costs to the agency for enforcement of this regulation.

**7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The regulation does not overlap or duplicate any regulations of other state or government agencies.

**8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

The regulation is no more stringent than what is established by federal law.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The regulation does not provide a new fee or increase an existing one.