

## PROVISIONS PROPOSED FOR REMOVAL FROM NEVADA'S ASIP

The following provisions have been approved by the U.S. EPA for removal from Nevada's ASIP (71FR75690; 72FR11). The NDEP requests their removal for several reasons: the terms in the definitions are no longer used in the proposed ASIP update; the remaining NACs and NRSs are state enforcement or administrative provisions/procedures, which are not appropriate in a federally enforceable plan; and the "odor" regulation is a state-only program that is unrelated to the purpose of the ASIP, i.e., the protection of specific criteria pollutants, and should not be federally enforceable.

### NACs (Submitted for inclusion in ASIP 10/26/82.)

**NAC 445.477 "Confidential information" defined.** "Confidential information" means information or records which:

1. Relate to quantities or dollar amounts of production or sales;
2. Relate to processes or production unique to the owner or operator; or
3. Would tend to affect adversely the competitive position of the owner or operator, if disclosed.

[Environmental Comm'n, Air Quality Reg. 1.15-1.15.3, eff. 11-7-75; A and renumbered as 1.41, 12-4-76]

**NAC 445.554 "Nuisance" defined.** "Nuisance" means anything which is injurious to health, offensive to the senses or an obstruction to the free use of property and which interferes with the comfortable enjoyment of life or property.

[Environmental Comm'n, Air Quality Reg. 1.42, eff. 11-7-75; renumbered as 1.117, 12-4-76]

**NAC 445.596 "Ringelmann chart" defined.** "Ringelmann chart" means the chart published by the United States Bureau of Mines, which illustrates graduated shades of gray to black, for use in estimating the light-obscuring capacity of smoke.

[Environmental Comm'n, Air Quality Reg. 1.56, eff. 11-7-75; renumbered as 1.155, 12-4-76]

**NAC 445.662 Confidential information.**

1. Information concerning the emission of an air contaminant which has an ambient air quality standard or emission standard or has been designated as a hazardous air pollutant by the United States Environmental Protection Agency cannot be certified as being confidential.

2. Any information other than emission data received by the commission, the director or local air pollution control agency which is certified to be confidential by the owner or operator disclosing it, may, unless the owner expressly agrees to its publication or availability to the public, be used only:

- (a) In the administration or formulation of air pollution controls;

(b) In compiling or publishing analyses or summaries relating to the condition of the atmosphere which do not identify any owner or operator or reveal any confidential information; or

(c) In complying with federal statutes, rules and regulations.

3. Confidential information may be used in the prosecution of a violation of any air pollution control statute, ordinance or regulation.

[Environmental Comm'n, Air Quality Reg. 2.7.1- 2.7.2, eff. 11-7-75]

**NAC 445.667 Excess emissions: Scheduled maintenance; testing; malfunctions.**

1. Scheduled maintenance or testing approved by the director or repairs which may result in excess emissions of air contaminants prohibited by NAC 445.430 to 445.846, inclusive, must be performed during a time designated by the director as being favorable for atmospheric ventilation.

2. The director must be notified in writing of the time and expected duration at least 24 hours in advance of any scheduled maintenance or repairs which may result in excess emissions of air contaminants prohibited by NAC 445.430 to 445.846, inclusive.

3. The director must be notified of any excess emissions within 24 hours after any malfunction, breakdown, or upset of process or pollution control equipment or during startup of such equipment. Phone (702) 885-4670.

4. The owner or operator of an affected facility shall provide the director, within 15 days after any malfunction, breakdown, upset, startup or human error sufficient information to enable the director to determine the seriousness of the excess emissions. The submission must include as a minimum:

(a) The identity of the stack and other emission point or either of them where the excess emissions occurred.

(b) The estimated magnitude of the excess emissions expressed in opacity or in the units of the applicable emission limitation and the operating data and methods used in estimating the magnitude of the excess emissions.

(c) The time and duration of the excess emissions.

(d) The identity of the equipment causing the excess emissions.

(e) If the excess emissions were the result of a malfunction, steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunctions.

(f) The steps taken to limit the excess emissions.

(g) Documentation that the air pollution control equipment, process equipment or processes were at all times maintained and operated, to a maximum extent practicable, in a manner consistent with good practice for minimizing emissions.

[Environmental Comm'n, Air Quality Reg. 2.5.1-2.5.3, eff. 11-7-75; A 8-28-79; 2.5.4, eff. 11-7-75; 2.5.4.1-2.5.4.7, eff. 8-28-79]

**NAC 445.695 Schedules for compliance.**

1. All new and existing sources must comply with NAC 445.430 to 445.846, inclusive. Existing sources are in compliance with those sections and may continue to operate under the provisions of their approved compliance schedules, which may be amended from time to time.

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

3. The commission may require periodic reports on each phase of progress under approved compliance schedules. Failure at any phase to make diligent and reasonable progress toward compliance with the approved compliance schedule is an unreasonable delay and subjects the operator of the source to administrative fines as provided in NAC 445.699.

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

[Environmental Comm'n, Air Quality Reg. 2.9.1-2.9.4, eff. 11-7-75]

**NAC 445.698 Appeal of director's decision: Application forms.** Application forms for an appeal under NRS 445.501 must be obtained from the director.

[Environmental Comm'n, Air Quality Reg. 2.10.4, eff. 11-7-75]

**NAC 445.700 Violations: Manner of paying fines.**

1. The amount of the specified fine, in accordance with the schedule of fines for minor violations, must be submitted within 10 days after issuance of the notice.

2. Cashier's checks, certified checks, money orders or personal checks must be made payable to the State of Nevada and must be sent to the State Environmental Commission, 201 S. Fall Street, Capitol Complex, Carson City, Nevada 89710.

[Environmental Comm'n, Air Quality Reg. 2.8.5.1 & 2.8.5.2, eff. 11-7-75; A 12-4-76]

**NAC 445.844 Odors.**

1. No person may discharge or cause to be discharged, from any source, any material or air contaminant which is or tends to be offensive to the senses, injurious or detrimental to health and safety, or which in any way interferes with or prevents the comfortable enjoyment of life or property.

2. The director shall investigate an odor when 30 percent or more of a sample of the people exposed to it believe it to be objectionable in usual places of occupancy. The sample must be at least 20 people or 75 percent of those exposed if fewer than 20 people are exposed.

3. The director shall deem the odor to be a violation if he is able to make two odor measurements within a period of 1 hour. These measurements must be separated by at least 15 minutes. An odor measurement consists of a detectable odor after the odorous air has been diluted with eight or more volumes of odor-free air.

[Environmental Comm'n, Air Quality Reg. 10.1.1-10.1.3, eff. 11-7-75]

*NRSs (Submitted for inclusion in ASIP 12/29/78.)*

**NRS 445.401 Declaration of public policy.**

1. It is the public policy of the State of Nevada and the purpose of NRS 445.401 to 445.601, inclusive, to achieve and maintain levels of air quality which will protect human health and safety, prevent injury to plant and animal life, prevent damage to property, and preserve visibility and scenic, esthetic and historic values of the state.

2. It is the intent of NRS 445.401 to 445.601, inclusive, to:

(a) Require the use of reasonably available methods to prevent, reduce or control air pollution throughout the State of Nevada;

(b) Maintain cooperative programs between the state and its local governments; and

(c) Facilitate cooperation across jurisdictional lines in dealing with problems of air pollution not confined within a single jurisdiction.

3. The quality of air is declared to be affected with the public interest, and NRS 445.401 to 445.601, inclusive, are enacted in the exercise of the police power of this state to protect the health, peace, safety and general welfare of its people.

(Added to NRS by 1971, 1191)

**NRS 445.466 Commission regulations: Notice and hearing.** In the adoption of any regulation, the commission shall hold a public hearing. Notice of the public hearing shall be given by at least three publications of a notice in newspapers throughout the state, once a week for 3 weeks, commencing at least 30 days prior to the hearing.

(Added to NRS by 1971, 1194; A 1973, 1814; 1977, 69)

**NRS 445.497 Notice of regulatory action: Requirement; method; contents of notice.** When the department takes any regulatory action, under the provision of NRS 445.401 to 445.601, inclusive, or under any rule, regulation, order or standard based thereon, it shall give reasonable notice to all parties by certified mail, which notice shall state the legal authority, jurisdiction and reasons for the action taken.

(Added to NRS by 1973, 1809)