LCB File No. R198-03

PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

Petition 2003-07

Explanation: Matter in ***bold italics*** is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: NRS 445B.210

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

NAC 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;
4. Emissions of stationary diesel-powered engines during warmup for not longer than 15 minutes to achieve operating temperatures; or
5. Emission from a steam generating unit fired by fossil fuel or wood for boiler lancing or soot blowing, not to exceed ***144*** ~~[180]~~ minutes in any 24 consecutive hours. ***Emissions during this period shall not exceed 60 percent opacity for 6 consecutive minutes in any 60 minutes.***

Sec. 2. NAC 445B.2207 is hereby amended to read as follows:

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

(a) Burning in any incinerator other than the multiple chamber type ~~[or as approved by the director]~~ is prohibited.

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

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

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

4. Allowable PM_{10} emissions from incinerators of less than 2,000 lb per hour rated burning capacity may not exceed 1.8 lb/ton of dry refuse charged.

5. Allowable PM_{10} emissions from incinerators equal to or greater than 2,000 lb per hour burning capacity must be calculated using the following equation:

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

For the purposes of this subsection, "E" means the maximum allowable rate of emission of PM_{10} in pounds per hour and "C" means the rate of charge of dry refuse in pounds per hour.

6. Single chamber incinerators at single-family residences, in all areas of the state, except in and within 1 mile of the boundaries of the following cities, towns and areas: Babbitt, Battle

Mountain, Caliente, Carlin, East Ely, Elko, Ely, Fallon, Fernley, Gabbs, Gardnerville, Gardnerville Ranchos, Genoa, Hawthorne, Johnson Lane, Lovelock, McGill, Minden, Tonopah, Topaz Ranch Estates, Virginia City, Weed Heights, Wells, Winnemucca and Yerington; and on the Nevada side of the Tahoe Basin, in Carson City and in those portions of Douglas and Lyon counties that are within 1 mile of the Carson City line, unless otherwise prohibited by local ordinances or regulations, are exempt from the provisions of this section.

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

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

		NEVADA STANDARDS[A]		NATIONAL STANDARDS[B]		
POLLUTANT	AVERAGING TIME	CONCENTRATION ***C***	METHOD[D]	PRIMARY[C, E]	SECONDARY[C, F]	METHOD[D]
Ozone	1 hour	0.12 ppm (235 µg/m^3)	Chemiluminescence	0.12 ppm (235 µg/m^3)	Same as primary	Chemiluminescence
Ozone-Lake Tahoe Basin, #90	1 hour	0.10 ppm (195 µg/m^3)	Chemiluminescence	--	--	--
Carbon monoxide less than 5,000′ above mean sea level	8 hours	9 ppm ~~[(10,000 µg/m3)]~~ ***(10,500 µg/m3)G***	Nondispersive infrared photometry	9 ppm ~~[(10,000 µg/m3)]~~ ***10 mg/m3***	None	Nondispersive infrared photometry
At or greater than 5,000′ above mean sea level		6 ppm ~~[(6,670 µg/m3)]~~ ***(7,000 µg/m3)G***				
Carbon monoxide at any elevation	1 hour	35 ppm ~~[(40,000 µg/m3)]~~ ***(40,500 µg/m3)G***		35 ppm ~~[(40,000 µg/m3)]~~ ***(40 mg/m3)***		
Nitrogen dioxide	Annual arithmetic mean	0.053 ppm (100 µg/m^3)	Gas phase chemiluminescence	0.053 ppm (100 µg/m^3)	Same as primary	Gas phase chemiluminescence
Sulfur dioxide	Annual arithmetic mean	0.03***0*** ppm (80 µg/m^3)	Ultraviolet fluorescence	0.03***0*** ppm ~~[(80 µg/m3)]~~	None	***Spectrophotometry*** **(**Pararosaniline method**)**
	24 hours	0.14 ppm (365 µg/m^3)		0.14 ppm ~~[(365 µg/m3)]~~		
	3 hours	0.5 ppm (1,300 µg/m^3)		None	0.5 ppm ~~[(1,300 µg/m3)]~~	
Particulate matter as PM_{10} ~~[C]~~	Annual arithmetic mean	50 µg/m^3	High volume PM_{10} sampling	50 µg/m^3	Same as primary	High volume PM_{10} sampling
	24 hours	150 µg/m^3		150 µg/m^3		
Lead (Pb)	Quarterly arithmetic mean	1.5 µg/m^3	High volume sampling, acid extraction and atomic absorption spectrometry	1.5 µg/m^3	Same as primary	High volume sampling, acid extraction and atomic absorption spectrometry
~~[Visibility~~	~~Observation~~	~~In sufficient amount to reduce the prevailing visibilityG to less than 30 miles when humidity is less than 70%~~	~~Observer or camera~~			
~~Hydrogen sulfide~~	~~1 hour~~	~~0.08 ppm (112 µg/m3)H~~	~~Cadmium hydroxide stractan method]~~			

Notes:
Note A: ***The Nevada standards are used to assist in determining whether to issue, deny, revoke and reissue, reopen and revise, or terminate a permit and*** ~~[These standards]~~ must not be exceeded in areas where the general public has access. ***They are not to be used in attainment or nonattainment determinations.***
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_{10} 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 $\mu g/m^3$, 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.
Note C: 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" in this table refers to ***parts per million*** ~~[ppm]~~ by volume, or micromoles of regulated air pollutant per mole of gas***; "µg/m3" 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: ***Due to rounding conventions, the carbon monoxide standards are not exceeded until the concentrations reach 10,500 µg/m3, 7,000 µg/m3 and 40,500 µg/m3.*** ~~[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. ***The table contained in this subsection lists the minimum State of Nevada standard of quality for hydrogen sulfide in ambient air.***

NEVADA STANDARDA			
POLLUTANT	***AVERAGING TIME***	***CONCENTRATIONB,C***	***METHODD***
Hydrogen sulfide	***1 hour***	***0.08 ppm (112 µg/m3)***	***Ultraviolet fluorescence method***

Notes:

Note A: These standards must not be exceeded in areas where the general public has access.
Note B: 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). In this table "ppm" refers to parts per million by volume, or micromoles of regulated air pollutant per mole of gas; "µg/m3" refers to micrograms per cubic meter.
Note C: The ambient air quality standard for hydrogen sulfide does not include naturally occurring background concentrations.
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.

~~[2. All values are corrected to reference conditions.~~
~~3. As used in this section:~~
~~(a) "µg/m3" means micrograms per cubic meter.~~
~~(b) "ppm" means part per million by volume.]~~

3. ~~[4.]~~ 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:

NAC 445B.221**.** 1. Title 40 C.F.R. ***Parts*** ~~[§§]~~ 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, 2002*** ~~[July 1, 2000]~~.

2. ~~[The following subparts of]~~ Title 40 C.F.R. Part***s*** 60***, 61 and 63*** are hereby adopted by reference as they existed on ***July 1, 2003*** ~~[July 1, 2000:]~~***. The authorities that cannot be delegated to the State are specified in each subpart of Title 40 C.F.R. Parts 60, 61 and 63. The State has no authority to implement sections of the subparts that are not delegable.***

~~[(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.

(iii) Subpart BBB, Standards of Performance for Rubber Tire Manufacturing Industry.

(jjj) Subpart DDD, Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.

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

(lll) Subpart GGG, Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.

(mmm) Subpart HHH, Standards of Performance for Synthetic Fiber Production Facilities.

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

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

(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: SO2 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.

i (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.

3. The following subparts 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 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.]~~

3. ~~[5.]~~ Title 40 C.F.R. Part 72 is hereby adopted by reference as it existed on ***July 1, 200*****3** ~~[July 1, 2000]~~. 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.

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

5. ~~[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, 2003*** ~~[July 1, 2000]~~.

6. ~~[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 ***$40*** ~~[$38]~~.

7. ~~[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), inclusive, 51.100(nn) and 51.165 and Appendices S and W of Part 51	***$40***	~~[$38]~~
(2) For § 52.21	***55***	~~[50]~~
(3) For Part 60 (Sections 60.1 to end)	***58***	~~[53]~~
(4) For Part 60 (Appendices)		51
(5) For Parts 61 - 62	***43***	~~[38]~~
(6) For Part 63 (Sections 63.1 to 63.599)	***58***	~~[53]~~
(7) For Part 63 (Sections 63.600 to 63.1199)	***50***	~~[44]~~
(8) For Part 63 (Sections 63.1200 to 63.1439)	***50***	
(9) For Part 63 (Sections 63.1440 to end)	***64***	
(10) ~~[(8)]~~ For the volume containing Parts 72 and 76	***59***	~~[55]~~

(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.

8.~~[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.

9.~~[11.]~~ Except as otherwise provided in subsections ***3*** ~~[5]~~ and ***4*** ~~[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.

10.~~[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.273 is hereby amended to read as follows:

NAC 445B.273. 1. All new and existing stationary sources must comply with NAC 445B.001 to 445B.3497, inclusive. Existing stationary 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 stationary source to administrative fines as provided in NAC 445B.281.

~~[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.]~~

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

NAC 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 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.

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

	First Offense	Second Offense	Third Offense
~~[NAC 445B.22037, fugitive dust .....~~	~~$250~~	~~$500~~	~~$500]~~
NAC 445B.22067, open burning.....	$250	$500	$500
NAC 445B.2207, incinerator burning	$250	$500	$500
NAC 445B.22087, odors.....	$250	$500	$500

	First Offense	Second Offense	Third Offense
Subsection 3 or 4 of NAC 445B.232, reporting of exces emissions	$250	$500	$500
Subsection 8 of NAC 445B.252, testing and samplin reporting	$250	$500	$500
Subsection 2 of NAC 445B.265, reporting of monitorin systems	$250	$500	$500
Paragraph (e) of subsection 1 of NAC 445B.275 recordkeeping, monitoring, reporting or complianc certification	$250	$500	$500
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. 7. NAC 445B.298 is hereby amended to read as follows:

NAC 445B.298. ***Except as otherwise provided in subsection 2 of NAC 445B.3364 and subsection 2 of NAC 445B.3395,*** ~~T~~the official date of submittal of an application for an operating permit***, an operating permit to construct*** or a revision of an existing operating permit ***or existing operating permit to construct*** is the date on which the director determines that the application is complete.

Sec. 8. NAC 445B.3364 is hereby amended to read as follows:

NAC 445B.3364. 1. Except for sources that are subject to the permitting requirements set forth in 40 C.F.R. Part 52.21, within 45 days after the date of receipt of an application for a~~[n]~~ ***Class I*** operating permit to construct ***or 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 46 days 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 revision of an operating permit to construct.***

2. For sources subject to the permitting requirements set forth in 40 C.F.R. Part 52.21, within 30 days after the date of receipt of an application for a~~[n]~~ ***Class I*** operating permit to construct ***or revision of a Class I operating permit to construct***, the director shall determine if the application ***contains adequate information to process the application*** ~~[is complete]~~. ***The official date of submittal of the application shall be 31 days after the date of receipt, unless the director determines before the official date of submittal 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 ***or 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 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. The notice required for a Class I operating permit to construct or revision of a Class I operating permit to construct, pursuant to subsection 5 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 emissions change 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 on the director's review and preliminary intent for issuance or denial of a Class I operating permit to construct or 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 revision of an operating permit to construct, the director shall issue or deny the application.

9. For sources subject to the permitting requirements set forth in 40 C.F.R. Part 52.21, within 12 months after the official date of submittal of an operating permit to construct or revision of an operating permit to construct, the director shall issue or deny the application. The application will be determined to be complete on the date that the director issues an operating permit to construct or revision of an operating permit to construct.

Sec. 9. NAC 445B.3395 is hereby amended to read as follows:

NAC 445B.3395. 1. Except ***for sources subject to the permitting requirements set forth in 40 C.F.R. Part 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 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. Part 52.21, within 30 calendar days after the date of receipt of an application for a Class I operating permit or revision of a Class I operating permit, the director shall determine if the application contains adequate information to process the application. The official date of submittal of the application shall be 31 days after the date of receipt, unless the director determines before the official date of submittal 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 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 pursuant to subsection 1 or 2.

~~[2.]~~ ***4.*** Except as otherwise provided in this ~~[sub]~~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. 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.]~~***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 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.]~~***6.*** The director's review and preliminary intent to issue or deny a Class I operating permit ***or 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.]~~***7.*** 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:

(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 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 ***6*** ~~[4]~~ and ***7*** ~~[5]~~ do not apply to an administrative amendment to a Class I operating permit made pursuant to NAC 445B.319, a change without revision to a Class I operating permit made pursuant to NAC 445B.342 or a minor revision of a Class I operating permit made pursuant to NAC 445B.3425.

~~[7.]~~ ***9.*** The notice required for a Class I operating permit ***or revision of a Class I operating permit,*** pursuant to subsection ***7*** ~~[5]~~ 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 issuance or denial 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 ***12*** ~~[10]~~ 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 permit to the Administrator.

~~[10.]~~ ***12.*** For stationary sources subject to the provisions of 40 C.F.R. ***Part*** ~~[§]~~ 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 an operating permit, or for the revision or renewal of such an operating permit, within 12 months after receiving a complete application. ***The application will be determined to be complete on the date that the director issues the Class I operating permit or revision of the Class I operating permit.***

~~[11.]~~ ***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 as provided in 40 C.F.R. ***Part*** ~~[§]~~ 70.8(d).

~~[13.]~~ ***15.*** If the ***A*** ~~[a]~~dministrator objects to the issuance 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 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. ***Part*** ~~[§]~~ 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.*** 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. ***Part*** ~~[§]~~ 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. 10. NAC 445B.3443 is hereby amended to read as follows:

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

2. ~~[A complete application f]~~***F***or renewal of a Class I operating permit ***a complete application as defined in NAC 445B.3395 subsection 1, which contains adequate information to process the application,*** must be submitted to the director on the form provided by the director with the appropriate fee at least 180 ~~[calendar]~~ 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.