

LCB File No. R191-08

PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

SEC Petition 2008-16

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

AUTHORITY: NRS 445B.210 and 445B.300.

A REGULATION relating to pollution; updating the reporting requirements for excess emissions and scheduled repairs, and clarifies the procedures for renewal of air pollution control permits; and providing other matters properly relating thereto.

Section 1. NAC 445B.232 is hereby amended to read as follows:

NAC 445B.232 Excess emissions: Scheduled maintenance, testing or repairs; notification of Director; malfunction, upset, start-up, shutdown or human error.

1. Scheduled maintenance or testing or scheduled repairs which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3791, inclusive, must be approved *in advance* by the Director and performed during a time designated by the Director as being favorable for atmospheric ventilation.

2. The ~~[Director must be notified in writing]~~ *owner or operator must notify the Director of the proposed time and expected duration* at least ~~[24 hours]~~ *30 days* in advance of any scheduled maintenance *or testing* which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3791, inclusive. *The scheduled maintenance or testing shall not be performed unless approved pursuant to subsection 1.*

3. The ~~[Director must be notified in writing or by telephone]~~ *owner or operator must notify the Director of the proposed time and expected duration* at least 24 hours in advance of any scheduled repairs which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3791, inclusive. *The scheduled repair shall not be performed unless approved pursuant to subsection 1.*

4. The ~~[Director must be notified]~~ *owner or operator must notify the Director* of any excess emissions within 24 hours after any malfunction or upset of the process equipment or equipment for controlling pollution or during start-up or shutdown of such equipment. ~~[The telephone number for the notification is (775) 687-9350.]~~

5. The owner or operator ~~[of an affected facility]~~ shall provide the Director, within 15 days after any malfunction, upset, start-up, shutdown or human error which results in excess emissions, sufficient information to enable the Director to determine the seriousness of the excess emissions. The information must include at least the following:

(a) The identity of the stack or other point of emission, or both, where the excess emissions occurred.

(b) The estimated magnitude of the excess emissions expressed in opacity or in the units of the applicable limitation on emission 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, the steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunction.
- (f) The steps taken to limit the excess emissions.
- (g) Documentation that the equipment for controlling air pollution, 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.

6. The owner or operator must submit notifications and information required pursuant to this section in a form specified by the Director.

Sec. 2. NAC 445B.3443 is hereby amended to read as follows:

NAC 445B.3443 Renewal of permit.

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 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.
5. If an application *for the renewal of a Class I operating permit* is not submitted in accordance with subsection 2~~(f)~~ :
 - (a) ~~the~~ *The* stationary source may be required to cease operation when the Class I operating permit expires~~(f)~~; and
 - (b) *The owner or operator of the stationary source must apply for a new Class I operating permit, with the appropriate application fee, in accordance with NAC 445B.3375 and* may not recommence the operation until the *new* Class I operating permit is ~~renewed~~ *issued*.
- ~~(5)~~ **6.** The fee for the renewal of a Class I operating permit *or for a new Class I operating permit* is as specified in NAC 445B.327.

Sec. 3. NAC 445B.3473 is hereby amended to read as follows:

NAC 445B.3473 Renewal of permit.

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 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.

5. If ~~[such]~~ an application *for the renewal of a Class II operating permit* is not submitted in accordance with subsection 2~~[5]~~ :

(a) ~~[the]~~ *The* stationary source may be required to cease operation when the Class II operating permit expires ~~[5]~~ ; and

(b) *The owner or operator of the stationary source must apply for a new Class II operating permit, with the appropriate application fee, in accordance with NAC 445B.3353 and* may not recommence the operation until the *new* Class I operating permit is ~~[renewed]~~ *issued*.

~~[5-]~~ 6. The fee for the renewal of a Class II operating permit *or for a new Class II operating permit* is as specified in NAC 445B.327.

Sec. 4. NAC 445B.3497 is hereby amended to read as follows:

NAC 445B.3497 Renewal of permit.

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 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.

5. If an application *for the renewal of a Class III operating permit* is not submitted in accordance with subsection 2~~[5]~~ :

(a) ~~[the]~~ *The* stationary source may be required to cease operation when the Class III operating permit expires ~~[5]~~ ; and

(b) *The owner or operator of the stationary source must apply for a new Class III operating permit, with the appropriate application fee, in accordance with NAC 445B.3485 and* may not recommence the operation until the *new* Class III operating permit is ~~[renewed]~~ *issued*.

~~[5-]~~ 6. The fee for the renewal of a Class III operating permit *or for a new Class III operating permit* is as specified in NAC 445B.327.