REVISED PROPOSED REGULATION OF THE

STATE ENVIRONMENTAL COMMISSION

LCB File No. R145-13

March 12, 2014

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

AUTHORITY: §§1 and 2, NRS 445B.210.

A REGULATION relating to air pollution; revising provisions governing ambient air quality standards and certain environmental evaluations; and providing other matters properly relating thereto.

Section 1. 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[A]		NATIONAL STANDARDS[B]		
POLLUTANT	AVERAGING TIME	CONCENTRATION[C]	METHOD[D]	PRIMARY[C, E]	SECONDARY[C, F]	METHOD[D]
Ozone	8 hours	0.075 ppm	Chemiluminescence	0.075 ppm	Same as primary	Chemiluminescence
Ozone-Lake Tahoe Basin, #90	1 hour	0.10 ppm (195 µg/m^3)	Ultraviolet absorption	--	--	--
Carbon monoxide less than 5,000′ above mean sea level	8 hours	9 ppm (10,500 µg/m^3)	Nondispersive infrared photometry	9 ppm (10 mg/m^3)	None	Nondispersive infrared photometry
At or greater than 5,000′ above mean sea level		6 ppm (7,000 µg/m^3)				
Carbon monoxide at any elevation	1 hour	35 ppm (40,500 µg/m^3)		35 ppm (40 mg/m^3)		
Nitrogen dioxide	Annual arithmetic mean	0.053 ppm (100 µg/m^3)	Gas phase chemiluminescence	53 ppb[G]	Same as primary	Gas phase chemiluminescence
	1 hour	~~[~~***100 ppb***	--	100 ppb	None	

		NEVADA STANDARDS[A]		NATIONAL STANDARDS[B]		
POLLUTANT	AVERAGING TIME	CONCENTRATION[C]	METHOD[D]	PRIMARY[C, E]	SECONDARY[C, F]	METHOD[D]
Sulfur dioxide	Annual arithmetic mean	0.030 ppm (80 µg/m^3)	Ultraviolet fluorescence	0.03 ppm[H] (1971 standard)	None	Spectrophotometry (Pararosaniline method)
	24 hours	0.14 ppm (365 µg/m^3)		0.14 ppm[H] (1971 standard)		
	3 hours	0.5 ppm (1,300 µg/m^3)		None	0.5 ppm	
	1 hour	~~[illegible]~~ *75 ppb*	--	75 ppb	None	
Particulate matter as PM_{10}	Annual arithmetic mean	50 µg/m^3	High volume PM_{10} sampling	None	None	--
	24 hours	150 µg/m^3		150 µg/m^3	Same as primary	High or low volume PM_{10} sampling
Particulate matter as $PM_{2.5}$	Annual arithmetic mean	~~[illegible]~~ *15.0 µg/m^3*	--	15.0 µg/m^3	Same as primary	Low volume $PM_{2.5}$ sampling
	24 hours	~~[illegible]~~ *35 µg/m^3*	--	35 µg/m^3	Same as primary	
Lead (Pb)	Rolling 3 mo. average	0.15 µg/m^3	High volume sampling, acid extraction and atomic absorption spectrometry	0.15 µg/m^3	Same as primary	High volume sampling, acid extraction and atomic absorption spectrometry
Hydrogen sulfide	1 hour	0.08 ppm (112 µg/m^3)[I]	Ultraviolet fluorescence	--	--	--

Notes:

Note A: 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. ***For the 2006 particulate matter as $PM_{2.5}$ 24-hour and annual standards, the 2010 nitrogen dioxide 1-hour standard and the 2010 sulfur dioxide 1-hour standard, the Director shall use the form of the standards set forth in 40 C.F.R. §§ 50.11, 50.13 and 50.17, as those provisions existed on the effective date of this regulation, to ensure that the Nevada standard is no more stringent than the***

National standard in determining whether the stationary source will comply with the Nevada standards in areas where the general public has access.

Note B: The National standards are used in determinations of attainment or nonattainment. The form of a National standard is the criteria which must be satisfied for each respective concentration level of a standard for the purposes of attainment. The form for each National standard is set forth in 40 C.F.R. Part 50 and may be viewed at **http://www.epa.gov/air/criteria.html.**

Note C: Where applicable and except as otherwise described in Note G, concentration is expressed first in units in which it was adopted. ~~[All measurements]~~ ***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 degrees Centigrade and a reference pressure of 760 mm of Hg (1,013.2 millibars ~~[);]~~ ***), except measurements of particulate matter as $PM_{2.5}$ and lead (Pb), which are calculated in micrograms per cubic meter at local conditions;*** "ppb" in this table refers to parts per billion by volume, or nanomoles of regulated air pollutant per mole of gas; "ppm" refers to parts per million by volume, or micromoles of regulated air pollutant per mole of gas; "$\mu g/m^3$" refers to micrograms per cubic meter.

Note D: Reference method as described by the EPA. 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: The official National annual standard for nitrogen dioxide is 0.053 ppm. The National annual standard is identified in this table in equivalent units of parts per billion for the purpose of simplifying its comparison with the National 1-hour standard which is also identified in parts per billion.

Note H: The 1971 National sulfur dioxide standards remain in effect for an area until 1 year after the area is designated for the 2010 National sulfur dioxide standard, except that in an area designated nonattainment for the 1971 National sulfur dioxide standards, the 1971 standards remain in effect until an implementation plan to attain or maintain the 2010 National sulfur dioxide standards is approved.

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

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. 2. NAC 445B.311 is hereby amended to read as follows:

445B.311 1. An environmental evaluation which is required for a new or modified stationary source pursuant to NAC 445B.308 to 445B.314, inclusive, or as required by the Director must contain a careful and detailed assessment of the environmental aspects of the proposed stationary source and must also contain:

(a) The name and address of the applicant;

(b) The name, address and location of the stationary source;

(c) A description of the proposed stationary source, including the normal hours of operation of the facility and the general types of activities to be performed;

(d) A map showing the location of the stationary source and the topography of the area, including existing principal streets, roads and highways within 3 miles of the stationary source;

(e) A site plan showing the location and height of buildings on the site;

(f) Any additional information or documentation which the Director deems necessary to determine the effect of the stationary source on the quality of the ambient air, including measured data on the quality of the ambient air and meteorological conditions at the proposed site before construction or modification; and

(g) ~~[A]~~ ***Except as otherwise provided in subsection 5, a*** dispersion analysis of each regulated air pollutant.

2. Where approval is sought for stationary sources to be constructed in phases, the information required by subsection 1 must be submitted for each phase of the construction project.

3. An environmental evaluation must also consider good engineering practice stack height. If the Director considers an analysis of a source based on a good engineering practice stack height that exceeds the height specified in paragraph (a) or (b) of subsection 1 of NAC 445B.083, the Director shall:

(a) Notify the public of the availability of the demonstration study performed pursuant to paragraph (c) of subsection 1 of NAC 445B.083; and

(b) Provide an opportunity for a public hearing on the demonstration study in accordance with the requirements for a Class I operating permit set forth in subsections 7, 9 and 10 of NAC 445B.3395.

4. A dispersion analysis used to determine the location and estimated value of the highest concentration of each regulated air pollutant must include:

(a) A dispersion model based on the applicable models, bases and other requirements specified in the "Guideline on Air Quality Models," which is Appendix W of 40 C.F.R. Part 51, as adopted by reference in NAC 445B.221, except that the Director may authorize the modification of a model specified in the "Guideline on Air Quality Models" or the use of a model not included in the "Guideline on Air Quality Models" if the Director:

(1) Determines that the modification or use is appropriate;

(2) Obtains written approval of the modification or use from the Administrator; and

(3) Provides notice of and establishes a 30-day period for comment in accordance with the applicable provisions of NAC 445B.3364, 445B.3395, 445B.3447, 445B.3457 or 445B.3477;

(b) A narrative report describing:

(1) If applicable, assumptions and premises used in the analysis, including, without limitation:

(I) Model options chosen;

(II) Urban versus rural selection;

(III) Background concentrations;

(IV) Characterization of emission sources as point, area or volume;

(V) Emission discharge points; and

(VI) Rate of emission from each emission unit; and

(2) The geographic area considered in the analysis, including, without limitation, information concerning:

(I) The nearest significant terrain features;

(II) The receptor grid or grids; and

(III) Restrictions on public access to the stationary source; and

(c) Valid meteorological information pursuant to the provisions of Appendix W of 40 C.F.R. Part 51, as adopted by reference in NAC 445B.221, which:

(1) For sources that are not subject to the permitting requirements of 40 C.F.R. § 52.21, as adopted by reference in NAC 445B.221:

(I) Is site specific, if the information exists pursuant to subsection 1 of this section or subsection 6 of NAC 445B.308, and which covers a period of not less than 1 year;

(II) Has been obtained from an off-site location representative of the proposed site and which covers a period of not less than 1 year;

(III) Represents the worst-case meteorological conditions, as approved by the Director for synthetic data; or

(IV) Has been obtained over the last 5 years at the nearest National Weather Service site; or

(2) For sources that are subject to the permitting requirements of 40 C.F.R. § 52.21, as adopted by reference in NAC 445B.221, is representative of the source site location and source emissions and which covers a period of not less than 1 year.

5. A dispersion analysis for:

(a) The 1-hour nitrogen dioxide standard established in NAC 445B.22097 is not required in an environmental evaluation for:

(1) A new stationary source if the new stationary source emits, or has the potential to emit, less than 40 tons of nitrogen dioxide per year; or

(2) A proposed modification to an existing stationary source if the proposed modification has the potential to emit less than 40 tons of nitrogen dioxide per year; and

(b) The 1-hour sulfur dioxide standard established in NAC 445B.22097 is not required in an environmental evaluation for:

(1) A new stationary source if the new stationary source emits, or has the potential to emit, less than 40 tons of sulfur dioxide per year; or

(2) A proposed modification to an existing stationary source if the proposed modification has the potential to emit less than 40 tons of sulfur dioxide per year.