# PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

## LCB File No. R126-10

### P2010-06

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

**NOTE to LCB:** GREEN underline = Amendments adopted and effective after the January 2008 codification of Chapter 445B (R142-07, 4/17/08).

AUTHORITY: NRS 445B.210.

**Section 1.** NAC 445B.138 is hereby amended to read as follows:

**NAC 445B.138 "Potential to emit" defined.** "Potential to emit" means the maximum capacity of a stationary source to emit a regulated air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a stationary source to emit a regulated air pollutant, including equipment for the control of air pollution and any restrictions on the hours of operation of the stationary source or on the type or amount of material combusted, stored or processed, may be treated as part of its design for the purposes of determining its potential to emit if the limitation is ***federally*** enforceable ~~[by the director]~~.

**Sec . 2.** NAC 445B.187 is hereby amended to read as follows:

**NAC 4454B.187 "Stationary source" defined.**

1. "Stationary source" means all buildings, structures, facilities and installations, including temporary sources, which:

(a) Belong to the same major industrial groupings described in the Standard Industrial Classification Manual, as incorporated by reference in NAC 445B.221;

(b) Are located on one or more contiguous or adjacent properties;

(c) Are owned or operated by the same person or by persons under common control; and

(d) Emit or may emit any regulated air pollutant that is regulated under 42 U.S.C. §§ 7401 to 7671q, inclusive, or NAC 445B.001 to 445B.3791, inclusive.

2. Contracted operations that support the primary operations of the stationary source are part of the stationary source, except that temporary construction activities, including, without limitation, the construction of emission units, are not part of the stationary source.

3. The term does not include motor vehicles, ~~[special mobile equipment,]~~ nonroad engines and nonroad vehicles.

**Sec. 3.** NAC 445B.311 is hereby amended to read as follows:

**NAC 445B.311 Environmental evaluation: Contents; consideration of good engineering practice stack height.)**

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 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 determines that the modification or use is appropriate;

(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 7 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.

***(d) If the Director determines that the modification or substitution for a model specified in the "Guideline on Air Quality Models" is appropriate pursuant to paragraph (a), before authorizing a modification or substitution, the Director will:***

***(1) Obtain written approval from the Administrator.***

***(2) Notify the public and conduct a 30-day public comment period using the applicable public notice procedures set forth in NAC 445B.3364, 445B.3395, 445B.3447, 445B.3457 and 445B.3477.***

**Sec. 4.** NAC 445B.313 is hereby amended to read as follows:

**445B.313 Method for determining heat input: Class I sources.** For the purposes of determining the effects of Class I sources on the quality of ambient air and determining the applicability of a federally enforceable standard or requirement to an emission unit, the maximum heat input will be determined by ***combining the maximum fuel rate, determined by the manufacturer, with the total calorific value of the fuel, which is determined*** using the appropriate method of ~~[the American Society for Testing and Materials (ASTM) contained in 40 C.F.R. Parts 51, 52, 60 and 61.]~~ ASTM International**.**