

**PROPOSED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

**LCB File No. R022-99**

July 7, 1999

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

AUTHORITY: §§ 1-5, NRS 445B.210 and 445B.300.

**Section 1.** NAC 445B.221 is hereby amended to read as follows:

445B.221 1. Title 40 C.F.R. §§ 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, ~~[1997:]~~ **1998**.

2. The following subparts of Title 40 C.F.R. Part 60 are hereby adopted by reference as they existed on July 1, ~~[1997:]~~ **1998**:

(a) Subpart A, General Provisions.

(b) Subpart D, Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971.

(c) Subpart Da, Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.

(d) Subpart Db, Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.

(e) Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

- (f) Subpart E, Standards of Performance for Incinerators.
- (g) 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.
- (h) Subpart F, Standards of Performance for Portland Cement Plants.
- (i) Subpart G, Standards of Performance for Nitric Acid Plants.
- (j) Subpart H, Standards of Performance for Sulfuric Acid Plants.
- (k) Subpart I, Standards of Performance for Hot Mix Asphalt Facilities.
- (l) Subpart J, Standards of Performance for Petroleum Refineries.
- (m) 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.
- (n) 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.
- (o) 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.
- (p) Subpart L, Standards of Performance for Secondary Lead Smelters.
- (q) Subpart M, Standards of Performance for Secondary Brass and Bronze Production Plants.
- (r) Subpart N, Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.
- (s) Subpart Na, Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.

- (t) Subpart O, Standards of Performance for Sewage Treatment Plants.
- (u) Subpart P, Standards of Performance for Primary Copper Smelters.
- (v) Subpart Q, Standards of Performance for Primary Zinc Smelters.
- (w) Subpart R, Standards of Performance for Primary Lead Smelters.
- (x) Subpart S, Standards of Performance for Primary Aluminum Reduction Plants.
- (y) Subpart T, Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
- (z) Subpart U, Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
- (aa) Subpart V, Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
- (bb) Subpart W, Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.
- (cc) Subpart X, Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
- (dd) Subpart Y, Standards of Performance for Coal Preparation Plants.
- (ee) Subpart Z, Standards of Performance for Ferroalloy Production Facilities.
- (ff) Subpart AA, Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983.
- (gg) Subpart AAa, Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.
- (hh) Subpart BB, Standards of Performance for Kraft Pulp Mills.
- (ii) Subpart CC, Standards of Performance for Glass Manufacturing Plants.

- (jj) Subpart DD, Standards of Performance for Grain Elevators.
- (kk) Subpart EE, Standards of Performance for Surface Coating of Metal Furniture.
- (ll) Subpart GG, Standards of Performance for Stationary Gas Turbines.
- (mm) Subpart HH, Standards of Performance for Lime Manufacturing Plants.
- (nn) Subpart KK, Standards of Performance for Lead-Acid Battery Manufacturing Plants.
- (oo) Subpart LL, Standards of Performance for Metallic Mineral Processing Plants.
- (pp) Subpart MM, Standards of Performance for Automobile and Light-Duty Truck Surface Coating Operations.
- (qq) Subpart NN, Standards of Performance for Phosphate Rock Plants.
- (rr) Subpart PP, Standards of Performance for Ammonium Sulfate Manufacture.
- (ss) Subpart QQ, Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.
- (tt) Subpart RR, Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
- (uu) Subpart SS, Standards of Performance for Industrial Surface Coating: Large Appliances.
- (vv) Subpart TT, Standards of Performance for Metal Coil Surface Coating.
- (ww) Subpart UU, Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.
- (xx) Subpart VV, Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
- (yy) Subpart WW, Standards of Performance for the Beverage Can Surface Coating Industry.
- (zz) Subpart XX, Standards of Performance for Bulk Gasoline Terminals.

- (aaa) Subpart DDD, Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
- (bbb) Subpart FFF, Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.
- (ccc) Subpart GGG, Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.
- (ddd) Subpart HHH, Standards of Performance for Synthetic Fiber Production Facilities.
- (eee) Subpart III, Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
- (fff) Subpart JJJ, Standards of Performance for Petroleum Dry Cleaners.
- (ggg) Subpart KKK, Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
- (hhh) Subpart LLL, Standards of Performance for Onshore Natural Gas Processing: SO<sub>2</sub> Emissions.
- (iii) Subpart NNN, Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
- (jjj) Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.
- (kkk) Subpart PPP, Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants.
- (III) Subpart UUU, Standards of Performance for Calciners and Dryers in Mineral Industries.
- (mmm) Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills.

3. Title 40 C.F.R. Part 60, Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996, is hereby adopted by reference as it existed on ~~September~~ *September* 15, 1997. A copy of Subpart Ec may be obtained free of charge from the Nevada Bureau of Air Quality, 333 West Nye Lane, Carson City, Nevada 89706-0851.

4. The following subparts of Title 40 C.F.R. Part 61 are hereby adopted by reference as they existed on July 1, ~~1997:~~ *1998:*

(a) Subpart A, General Provisions.

(b) Subpart C, National Emission Standard for Beryllium.

(c) Subpart D, National Emission Standard for Beryllium Rocket Motor Firing.

(d) Subpart E, National Emission Standard for Mercury.

(e) Subpart F, National Emission Standard for Vinyl Chloride.

(f) Subpart BB, National Emission Standard for Benzene Emissions from Benzene Transfer Operations.

(g) Subpart FF, National Emission Standard for Benzene Waste Operations.

5. The following subparts of Title 40 C.F.R. Part 63 are hereby adopted by reference as they existed on July 1, ~~1997:~~ *1998:*

(a) Subpart A, General Provisions.

(b) Subpart B, Requirements for Control Technology Determinations, sections 63.40 to 63.44, inclusive.

(c) Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.

- (d) Subpart N, National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
- (e) Subpart Q, National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.
- (f) Subpart T, National Emission Standards for Halogenated Solvent Cleaning.
- (g) Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations.
- (h) Subpart KK, National Emission Standards for the Printing and Publishing Industry.
- (i) Subpart OO, National Emission Standards for Tanks - Level 1.
- (j) Subpart PP, National Emission Standards for Containers.
- (k) Subpart QQ, National Emission Standards for Surface Impoundments.
- (l) Subpart RR, National Emission Standards for Individual Drain Systems.
- (m) Subpart VV, National Emission Standards for Oil-Water Separators and Organic-Water Separators.

6. Title 40 C.F.R. Part 72 is hereby adopted by reference as it existed on ~~January~~ July 1, 1998. If the provisions of 40 C.F.R. Part 72 conflict with or are not included in NAC 445B.001 to 445B.395, inclusive, the provisions of 40 C.F.R. Part 72 apply.

7. Title 40 C.F.R. Part 76 is hereby adopted by reference as it existed on ~~January~~ July 1, 1998. If the provisions of 40 C.F.R. Part 76 conflict with or are not included in NAC 445B.001 to 445B.395, inclusive, the provisions of 40 C.F.R. Part 76 apply.

8. 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, ~~1997~~ 1998.

9. 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 or 301 Second, Marathon Plaza, Suite 1415, San Francisco, California 94107-1366, for the price of ~~[\$29.]~~ **\$30.**

10. Except as otherwise provided in subsections 3 and 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 or 301 Second, Marathon Plaza, Suite 1415, San Francisco, California 94107-1366. The price is:

- (1) For the volume containing §§ 51.100(s), 51.100(hh) to 51.100(kk), inclusive, 51.100(nn), 51.165 and Appendices S and W of Part 51..... ~~[\$23]~~ **\$24**
- (2) For § 52.21 .....~~[32]~~ **33**
- (3) For Part 60 .....~~[52]~~ **53**
- (4) For Part 61 .....~~[19]~~ **18**
- (5) For Part 63 ..... 57
- (6) For the volume containing Parts 72 and 76 .....~~[35]~~ **36**

(b) Division of state library and archives of the department of museums, library and arts for 15 cents per page.

11. 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.

12. Except as otherwise provided in subsections 6 and 7, the provisions adopted by reference in this section supersede the requirements of NAC 445B.001 to 445B.395, inclusive,



for all stationary sources subject to the provisions adopted by reference only if those requirements adopted by reference are more stringent.

13. 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. 2.** NAC 445B.300 is hereby amended to read as follows:

445B.300 1. Except as otherwise provided in this subsection and NAC 445B.303, within 60 calendar days after the date on which an application for a Class I operating permit or for the significant revision of such an 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. Except as otherwise provided in this subsection and NAC 445B.303, 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 operating permit or the revision of the operating permit. The director shall give preliminary notice of his intent to issue or deny the operating permit or the revision of the operating permit within 180 calendar days after the official date of submittal.

3. 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. Except as otherwise provided in NAC 445B.319 and 445B.320, within 10 working days after the date of receipt of an application for a Class II operating permit or for the revision of a Class II operating permit, 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 10 working 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 11 working days after the date of receipt, whichever is earlier. Within 60 days after the official date of submittal, the director shall issue or deny such an operating permit or the revision of such an operating permit.

5. 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.395, 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, 2 or 10.

6. The director's review and preliminary intent to issue or deny a Class I operating permit and the proposed conditions for the 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.

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 operating permit and the proposed operating permit to the administrator; and

(e) Establish a 30-day period for public comment.

8. Except as otherwise provided in NAC 445B.321, the provisions of subsections 6 and 7 do not apply to an administrative amendment to a permit made pursuant to NAC 445B.319, a change without revision to a permit made pursuant to NAC 445B.320 or a minor revision of a Class I operating permit made pursuant to NAC 445B.321.

9. The notice required pursuant to subsection 7 must identify:

- (a) The affected facility and the name and address of the applicant;
- (b) The name and address of the authority processing the operating permit;
- (c) The activity or activities involved in the operating permit and the emissions change involved in any revision of the 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 operating permit, the application, all relevant supporting materials and all other materials which are available to the authority that is processing the operating permit and which are relevant to the determination of the issuance of the 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.

10. All comments on the director's review and preliminary intent for issuance or denial 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.

11. Except as otherwise provided in subsection 12 and NAC 445B.319, 445B.320 and 445B.321, within 12 months after the official date of submittal of a Class I-B application, the

director shall issue or deny the application for an operating permit or for a revision of the 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.391 and the control strategy contained in the air quality plan. The director shall send a copy of the final permit to the administrator.

12. For stationary sources subject to the provisions of 40 C.F.R § 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.

13. The director shall not issue an operating permit, or a revision of or a renewal of an 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 operating permit and the necessary supporting information.

14. Any person may petition the administrator to request that he object to an operating permit as provided in 40 C.F.R. § 70.8(d).

15. If the administrator objects to the issuance of an operating permit of his own accord or in response to a public petition, the director shall submit revised proposed conditions for the operating permit in response to the objection within 90 days after the date on which he is notified of the objection.

16. An operating permit or the revision of an operating permit for a new or modified stationary source, other than a stationary source subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, expires if construction is not commenced within ~~[1-year]~~ *18 months* after the date of issuance thereof or construction of the facility is delayed for ~~[1-year]~~ *18 months* after initiated. *If construction will occur in phases, the projected date of the commencement of construction of each phase of construction must be approved by the director. The operating permit or the revision of the operating permit for construction that will occur in phases expires if each 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 the expiration date of the operating permit or the revision of the operating permit upon a showing that the extension is justified.*

**Sec. 3.** NAC 445B.362 is hereby amended to read as follows:

445B.362 1. No person may cause or permit the emission of PM<sub>10</sub> resulting from the combustion of fuel in fuel-burning equipment in excess of the quantity set forth in the following formulas:

(a) For *maximum* input of heat equal to or greater than 4 million Btu's per hour, but less than or equal to 10 million Btu's per hour, the allowable emission is 0.6 of a pound per million Btu's of input of heat.

(b) For *maximum* input of heat greater than 10 million Btu's per hour, but less than 4,000 million Btu's per hour, the allowable emissions must be calculated using the following equation:

$$Y = 1.02X^{-0.231}$$

(c) For *maximum* input of heat equal to or greater than 4,000 million Btu's per hour, the emission must be calculated using the following equation:

$$Y = 17.0X^{-0.568}$$

2. For the purposes of paragraphs (b) and (c) of subsection 1:

(a) "X" means the *maximum* operating rate in million Btu's per hour.

(b) "Y" means the allowable rate of emission in pounds per million Btu's.

**Sec. 4.** NAC 445B.373 is hereby amended to read as follows:

445B.373 1. No person may cause or permit the emission of compounds of sulfur caused by the combustion of fuel in fuel-burning equipment in excess of the quantity calculated by the use of the formula in subsection 2 or 3.

2. Where an emission unit has a ~~total~~ *maximum* input of heat of less than 250 million Btu's per hour, the allowable emission must be calculated by the use of the following equation:

$$Y = 0.7X$$

For the purposes of this subsection:

(a) "X" means the *maximum* operating input of heat in millions of Btu's per hour.

(b) "Y" means the allowable rate of emission of sulfur in pounds per hour.

3. Where an emission unit has a ~~total~~ *maximum* input of heat equal to or greater than 250 million Btu's per hour, the allowable emission of sulfur must be calculated by the use of the following equations:

Liquid fuel	$Y = 0.4X$
Solid fuel	$Y = 0.6X$
Combination Fuel	$Y = \frac{L (0.4X) + S (0.6X)}{L + S}$

For the purposes of this subsection:

- (a) “X” means the *maximum* input of the operation in millions of Btu’s per hour.
- (b) “Y” means the allowable rate of emissions of sulfur in pounds per hour.
- (c) “L” means the percentage of total input of heat derived from liquid fuel.
- (d) “S” means the percentage of total input of heat derived from solid fuel.

**Sec. 5.** NAC 445B.383 is hereby amended to read as follows:

445B.383 1. Except as otherwise provided in subsections 2 and 3, a municipal solid waste landfill must:

(a) Install a system designed to collect and control the emission of nonmethane organic compounds not later than 30 months after the date on which the rate of emission of nonmethane organic compounds by the municipal solid waste landfill is equal to or greater than 55.125 tons per year. The system designed to collect and control the emission of nonmethane organic compounds must meet the requirements set forth in 40 C.F.R. § 60.752(b)(2)(ii) and must have:

- (1) A flare designed and operated pursuant to 40 C.F.R. § 60.18;
- (2) An enclosed combustor designed and operated to reduce the concentration of nonmethane organic compounds at the outlet to no more than 20 parts per million as hexane by volume, dry basis at 3 percent oxygen; or



(3) A system of emission control designed and operated to reduce the emission of nonmethane organic compounds by 98 weight percent.

(b) Comply with the requirements set forth in 40 C.F.R. § 60.753, 40 C.F.R. § 60.755 and 40 C.F.R. § 60.756.

(c) Maintain records and submit reports pursuant to 40 C.F.R. § 60.757 and 40 C.F.R. § 60.758, as applicable, except as otherwise provided in 40 C.F.R. § 60.24.

2. A municipal solid waste landfill is exempt from the provisions of subsection 1 if the municipal solid waste landfill is not and was not the site of construction, reconstruction or modification that commenced before May 30, 1991.

3. A municipal solid waste landfill is exempt from the provisions of paragraphs (a) and (b) of subsection 1 if the municipal solid waste landfill:

(a) Did not accept waste on or after November 8, 1987, and has a design capacity that does not allow for a deposit of waste in the future;

(b) Has a design capacity less than 2.756 million tons if the design capacity is calculated in tons, less than 3.27 million cubic ~~feet~~ yards if the design capacity is calculated in cubic ~~feet~~ yards, or less than 2.756 million tons and 3.27 million cubic ~~feet~~ yards if the design capacity is calculated in both tons and cubic ~~feet~~ yards; or

(c) Has a rate of emission of nonmethane organic compounds that is less than 55.125 tons per year.

4. For the purposes of this section:

(a) The design capacity of a municipal solid waste landfill may be calculated solely in either tons or cubic ~~feet~~ yards. A conversion of density, if any, must be documented and included with the calculation of design capacity.

(b) The rate of emission of nonmethane organic compounds must be calculated pursuant to 40 C.F.R. § 60.754, as applicable.

5. As used in this section:

(a) “Design capacity” has the meaning ascribed to it in 40 C.F.R. § 60.751.

(b) “Enclosed combustor” has the meaning ascribed to it in 40 C.F.R. § 60.751.

(c) “Flare” has the meaning ascribed to it in 40 C.F.R. § 60.751.

(d) “Municipal solid waste landfill” has the meaning ascribed to it in 40 C.F.R. § 60.31c.