

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R118-00

July 20, 2000

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

AUTHORITY: §§1 and 2, NRS 445B.210.

Section 1. NAC 445B.264 is hereby amended to read as follows:

445B.264 1. Owners or operators of all continuous monitoring systems for *the* measurement of opacity shall reduce all data to 6-minute averages and for systems other than opacity to 1-hour averages. ~~[Six minute opacity averages must be calculated from 24 or more data points equally spaced over each 6 minute period.]~~

2. For systems other than opacity, 1-hour averages must be computed from four or more data points equally spaced over each 1-hour period.

3. Data recorded during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments must not be included in the data averages computed under this section. An arithmetic or integrated average of all calibrated data must be used. The data output of all continuous monitoring systems may be recorded in reduced or nonreduced form, e.g., ppm pollutant and percent O₂ or lb/million Btu of pollutant.

4. All excess emissions must be converted into units of the standard using the applicable conversion procedures specified in NAC 445B.001 to 445B.395, inclusive. After conversion into units of the standard, the data may be rounded to the same number of significant digits used in those sections to specify the applicable standard, e.g., rounded to the nearest 1 percent opacity.

5. As used in this section, “calibrated data” means data which is precise and accurate within a stated acceptance criteria for the instrument.

Sec. 2. NAC 445B.354 is hereby amended to read as follows:

445B.354 1. ~~[Unless]~~ *Except as* otherwise provided in *this section and* NAC ~~[445B.354 to 445B.357, inclusive,]~~ *445B.355 and 445B.357*, no owner or operator may cause or permit the discharge into the atmosphere from any ~~[stationary source of any regulated air pollutant for a period or periods aggregating more than 3 minutes in any 1-hour]~~ *emission unit* which is of an opacity equal to or greater than 20 percent. *Opacity must be determined by one of the following methods:*

(a) If opacity is determined by a visual measurement, it must be determined as set forth in Reference Method 9 in Appendix A of 40 C.F.R. Part 60.

(b) If a source uses a continuous monitoring system for the measurement of opacity, the data must be reduced to 6-minute averages as set forth in 40 C.F.R. § 60.13(h).

2. ~~[NAC 445B.354 to 445B.357, inclusive,]~~ *This section and NAC 445B.355 and 445B.357* do not apply ~~[if the presence of]~~ *to that part of the opacity that consists of* uncombined water. ~~[is the only reason for the failure of an emission to comply with those sections.]~~ The burden of proof to establish the application of this exemption is upon the person seeking to come within the exemption.

3. *If the provisions of 40 C.F.R. Part 60, Subpart D or DA apply to an emission unit, the emission unit must be allowed one 6-minute period per hour of not more than 27 percent opacity as set forth in 40 C.F.R. § 60.42(a)(2) and 40 C.F.R. § 60.42a(b).*

4. The continuous monitoring system for monitoring opacity at a facility must be operated and maintained by the owner or operator specified in the permit for the facility in accordance with NAC 445B.256 to 445B.267, inclusive.