

**ADOPTED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R191-08

Effective December 17, 2008

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

AUTHORITY: §1, NRS 445B.210; §§2-4, NRS 445B.210 and 445B.300.

A REGULATION relating to air pollution; requiring each owner or operator of a stationary source to notify the Director of the State Department of Conservation and Natural Resources before conducting certain scheduled maintenance, testing or repairs; revising provisions governing the renewal of a Class I, Class II or Class III operating permit; and providing other matters properly relating thereto.

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

445B.232 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]~~ *Each owner or operator shall notify the* Director ~~[must be notified in writing]~~ of the *proposed* time and expected duration at least ~~[24 hours in advance of]~~ *30 days before* 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 must not be conducted unless the scheduled maintenance or testing is approved pursuant to subsection 1.*

3. ~~[The]~~ *Each owner or operator shall notify the* Director ~~[must be notified in writing or by telephone]~~ of the *proposed* time and expected duration at least 24 hours ~~[in advance of]~~ *before*

any scheduled repairs which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3791, inclusive. *The scheduled repairs must not be conducted unless the scheduled repairs are approved pursuant to subsection 1.*

4. ~~[The]~~ *Each owner or operator shall notify the* Director ~~[must be notified]~~ 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]~~ *that* equipment. ~~[The telephone number for the notification is (775) 687-9350.]~~

5. ~~[The]~~ *Each* 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. Each owner or operator shall ensure that any notification or related information submitted to the Director pursuant to this section is provided in a format specified by the Director.

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

445B.3443 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~~ *not* 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 ~~[, the]~~ :

(a) *The* stationary source may be required to cease operation when the Class I operating permit expires ; ~~{ }~~ and ~~{may}~~

(b) *The owner or operator of the stationary source:*

(1) *Must apply for the issuance of a new Class I operating permit pursuant to NAC 445B.3375; and*

(2) *May* not recommence the operation until the *new* Class I operating permit is ~~{renewed}~~ —~~5.}~~ *issued.*

6. The fee for the *issuance of a new Class I operating permit or the* renewal of a Class I operating permit is ~~{as}~~ specified in NAC 445B.327.

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

445B.3473 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 ~~[, the]~~ :

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

(b) *The owner or operator of the stationary source:*

(1) *Must apply for the issuance of a new Class II operating permit pursuant to NAC 445B.3453; and*

(2) *May* not recommence the operation until the *new* Class II operating permit is ~~[renewed]~~
~~—5.] issued.~~

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

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

445B.3497 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 ~~[, the]~~ :

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

(b) *The owner or operator of the stationary source:*

(1) *Must apply for the issuance of a new Class III operating permit pursuant to NAC 445B.3485; and*

(2) *May* not recommence the operation until the *new* Class III operating permit is ~~[renewed.~~
~~—5.] issued.~~

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

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R191-08
SEC # P2008-16

The State Environmental Commission adopted regulations assigned LCB File No. R191-08 which pertain to chapter 445B of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

Regulation 191-08: Reporting Requirements for Excess Air Emissions & Clarification of Procedures for Renewal of Permits: This regulation amends NAC 445B. The regulation updates the reporting requirements for excess emissions and scheduled repairs as well as clarifies the procedures for renewal of air pollution control permits. In general, the regulation updates and clarifies the permitting regulations to eliminate ambiguity and make them more sensible.

1. A description of how public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary. The Nevada Division of Environmental Protection, Bureau of Air Pollution Control, Air Quality Planning held one public workshops on the above referenced regulation at the locations noted below.

CARSON CITY
October 21, 2008 9:00 AM to 1:00 PM
State Legislative Building
401 S. Carson Street (at 5th St.)
Room 3143

Following this workshop, the State Environmental Commission (SEC) held a public hearing to consider the regulation on November 12, 2008. The hearing was held at the Nevada Department of Wildlife's Conference Room A, 1100 Valley Road, Reno, Nevada. The SEC hearing agenda was posted at the meeting location, at the State Library in Carson City, and at the Offices of the Division of Environmental Protection in Carson City and Las Vegas. Copies of the agenda, the public notice, and the proposed regulation were also made available to all public libraries throughout the state as well as to individuals on the SEC electronic and ground-based mailing lists.

The public notice for the regulation was published on Monday October 13 and 27, 2008, and on November 3rd 2008 in the Las Vegas Review Journal and Reno Gazette Journal newspapers. Information about the regulation was also made available on the SEC website at:
http://www.sec.nv.gov/main/hearing_111208.htm

2. The number persons who attended the SEC Regulatory Hearing:

- (a) Attended November 12, 2008 hearing; 30 (approx.)
- (b) Testified on this Petition at the hearing: 1 (1 NDEP Staff)
- (c) Submitted to the agency written comments: 0

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses as indicated in number 1 above.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The State Environmental Commission adopted the regulation with out any changes.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

The regulation is not anticipated to have any significant economic impact on the public or Nevada businesses.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There will be no additional cost to the agency for enforcement of the proposed regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

This regulation does not duplicate any other federal, state or local regulation.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

The regulation is not more stringent than any local or federal laws and regulations.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulation does not address any fees.