

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R191-08

August 25, 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 notice or related information submitted to the Director pursuant to this section is provided on a form approved 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~~ **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 or* 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 or* 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 or* renewal of a Class III operating permit is ~~{as}~~ specified in NAC 445B.327.