

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB FILE NO. R061-23I

**The following document is the initial draft regulation proposed
by the agency submitted on 09/18/2023**

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P2023-01

August 30, 2023

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

AUTHORITY: §1, NRS 445B.210.

A PERMANENT REGULATION relating to air pollution; revising the public notification provisions governing national ambient air quality standards; and providing other matters properly relating thereto.

Section 1. NAC 445B.22097 is hereby amended to read as follows:

445B.22097 1. The table contained in this section lists the minimum state standards of quality for ambient air.

		STATE STANDARDS ^{A, B, D}
POLLUTANT	AVERAGING TIME	CONCENTRATION ^C
Ozone	8 hours	0.070 ppm
Ozone-Lake Tahoe Basin, #90	1 hour	0.10 ppm (195 µg/m ³)
Carbon monoxide less than 5,000' above mean sea level	8 hours	9 ppm (10,500 µg/m ³)
At or greater than 5,000' above mean sea level		6 ppm (7,000 µg/m ³)
Carbon monoxide at any elevation	1 hour	35 ppm (40,500 µg/m ³)
Nitrogen dioxide	Annual arithmetic mean	0.053 ppm (100 µg/m ³)
	1 hour	100 ppb
Sulfur dioxide	Annual arithmetic mean	0.030 ppm (80 µg/m ³)
	24 hours	0.14 ppm (365 µg/m ³)
	3 hours	0.5 ppm (1,300 µg/m ³)
	1 hour	75 ppb
Particulate matter as PM ₁₀	24 hours	150 µg/m ³
Particulate matter as PM _{2.5}	Annual arithmetic mean	12.0 µg/m ³
	24 hours	35 µg/m ³

		STATE STANDARDS ^{A, B, D}
POLLUTANT	AVERAGING TIME	CONCENTRATION ^C
Lead (Pb)	Rolling 3 mo. average	0.15 µg/m ³
Hydrogen sulfide	1 hour	0.08 ppm (112 µg/m ³) ^E

Notes:

Note A: The Director shall use the state standards in considering whether to issue a permit for a stationary source and shall ensure that the stationary source will not cause the state standards to be exceeded in areas where the general public has access. For the 2006 particulate matter as PM_{2.5} 24-hour and annual standards, the 2010 nitrogen dioxide 1-hour standard and the 2010 sulfur dioxide 1-hour standard, the Director shall use the form of the standards set forth in 40 C.F.R. §§ 50.11, 50.13 and 50.17, as those provisions existed on June 23, 2014, to ensure that the state standard is no more stringent than the national ambient air quality standard in determining whether the stationary source will comply with the state standards in areas where the general public has access.

Note B: National ambient air quality standards are used in determinations of attainment or nonattainment. The form of a national ambient air quality standard is the criteria which must be satisfied for each respective concentration level of a standard for the purposes of attainment. The form for each national ambient air quality standard is set forth in 40 C.F.R. Part 50 and may be viewed at <http://www.epa.gov/criteria-air-pollutants/naaqs-table>. National primary standards are the levels of air quality necessary, with an adequate margin of safety, to protect the public health. National secondary standards are the levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a regulated air pollutant.

Note C: Where applicable, concentration is expressed first in units in which it was adopted. Measurements of air quality that are expressed as mass per unit volume, such as micrograms per cubic meter, must be corrected to a reference temperature of 25 degrees Centigrade and a reference pressure of 760 mm of Hg (1,013.2 millibars), except measurements of particulate matter as PM_{2.5} and lead (Pb), which are calculated in micrograms per cubic meter at local conditions; “ppb” in this table refers to parts per billion by volume, or nanomoles of regulated air pollutant per mole of gas; “ppm” refers to parts per million by volume, or micromoles of regulated air pollutant per mole of gas; “µg/m³” refers to micrograms per cubic meter.

Note D: Any reference method or equivalent method designated in accordance with 40 C.F.R. Part 53 may be used to measure a regulated air pollutant.

Note E: The state ambient air quality standard for hydrogen sulfide does not include naturally occurring background concentrations.

2. The state standards of quality for ambient air are minimum goals, and it is the intent of the Commission in this section to protect the existing quality of Nevada’s air to the extent that it is economically and technically feasible.

3. The Director will notify the public regularly of times or places in which any ambient air quality standard was exceeded during any portion of the preceding calendar year.

4. The Director will advise the public of the health hazards associated with exceedance of an ambient air quality standard.

5. The Director will seek to increase public awareness of:

(a) Measures that can be taken to prevent an ambient air quality standard from being exceeded; and

(b) Ways in which the public can participate in regulatory and other efforts to improve air quality.