

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R036-98

February 23, 1998

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

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

Section 1. NAC 445B.321 is hereby amended to read as follows:

445B.321 1. A minor revision may be made to a Class I operating permit if the revision:

(a) Does not violate any applicable requirement;

(b) Does not involve significant changes to the existing requirements for monitoring,
reporting or recordkeeping;

(c) Does not require or change:

(1) A determination of an emission limitation or other standard on a case-by-case basis;

(2) A determination of the ambient impact for any temporary source; or

(3) A visibility or increment analysis;

(d) Does not establish or change a condition of the operating permit for which there is no
corresponding underlying applicable requirement and which was requested in order to avoid an
applicable requirement, including:

(1) A federally enforceable emissions cap; or

(2) An alternative emission limitation pursuant to 42 U.S.C. § 7412(i)(5);

- (e) Is not a modification pursuant to any provision of 42 U.S.C. §§ 7401 to 7515, inclusive; and
 - (f) Does not result in an increase in allowable emissions that exceeds any of the following specified thresholds:
 - (1) Carbon monoxide, 100 tons per year.
 - (2) Nitrogen oxides, 40 tons per year.
 - (3) Sulfur dioxide, 40 tons per year.
 - (4) PM₁₀, 15 tons per year.
 - (5) Ozone, 40 tons per year of volatile organic compounds.
 - (6) Sulfuric acid mist, 7 tons per year.
 - (7) Hydrogen sulfide (H₂S), 10 tons per year.
2. An owner or operator must request a minor revision on an application form provided by the director. The application must include:
- (a) A description of the modification;
 - (b) A description of the emissions resulting from the modification;
 - (c) An identification of any new applicable requirements that will apply because of the modification;
 - (d) Suggested conditions of the operating permit;
 - (e) Certification by a responsible official of the stationary source that the proposed modification complies with the criteria for a minor revision set forth in subsection 1; and
 - (f) Any relevant information concerning the proposed change which is required by NAC 445B.295.

3. The director shall:

(a) Determine, in accordance with subsection 3 of NAC 445B.300, whether the application for a minor revision is complete.

(b) Transmit the application to the administrator within 5 working days after the official date of submittal of the application.

(c) Provide notice to any affected state within 5 working days after the official date of submittal of the application for a minor revision.

(d) Provide a 30-day period for **[public comment on]** *comment by the administrator and any affected state concerning* the application.

(e) Within 45 days after the official date of submittal of the application:

(1) Determine whether the proposed minor revision meets the criteria for a minor revision set forth in this section;

(2) Determine whether the proposed conditions of the operating permit are adequate; and

(3) If the director determines that the proposed modification does not meet the criteria for a minor revision, deny the proposed revision and notify the applicant and the administrator.

(f) If the director determines that the applicant's proposed conditions of the operating permit are not adequate, draft appropriate conditions for the operating permit. Proposed conditions drafted by the director must be submitted to the administrator for review.

(g) Notify the administrator of any recommendations from an affected state which the director does not accept.

4. The director may issue the minor revision upon notification by the administrator that the administrator does not object to the minor revision. If the administrator does not notify the

director within 45 days after the date on which the administrator received the notification pursuant to this section or within 45 days after the date on which the administrator receives the director's proposed conditions, whichever is later, the administrator shall be deemed to have not objected to the minor revision.

5. If the administrator objects to the minor revision, the director shall:

(a) Deny the application for the minor revision;

(b) Determine whether the minor revision should be reviewed under the procedures for a significant revision; or

(c) Revise the proposed revision of the operating permit and forward it to the administrator for review.

6. The director shall take action pursuant to subsection 4 or 5 within 90 days after the official date of submittal of an application for a minor revision or within 15 days after the administrator's 45-day review period ends, whichever is later.