

**REVISED PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R019-99

August 24, 1999

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

AUTHORITY: §§ 1-3, NRS 445B.210 and 445B.300.

Section 1. NAC 445B.319 is hereby amended to read as follows:

445B.319 1. The holder of an operating permit may request or the director may initiate an administrative amendment of an operating permit to:

- (a) Correct typographical errors;
- (b) Identify a change in the name, address or telephone number of any person identified in the operating permit, or provide a similar minor administrative change at the stationary source;
- (c) Require more frequent monitoring or reporting by the holder of the operating permit;
- (d) Add the serial numbers of specific pieces of equipment which were not available at the time of the issuance of or revision of the operating permit; or
- (e) Allow for a change in ownership or operational control of a stationary source if the director determines that no other change in the operating permit is necessary. A person who requests an administrative amendment pursuant to this paragraph must submit to the director a written agreement specifying a date for the transfer of responsibility for the operating permit and an agreement between the current and the new holder of the operating permit regarding insurance coverage and liability.

2. A holder of an operating permit must request an administrative amendment on an application provided by the director. The application must be accompanied by a fee ~~[of \$25.]~~ *in the amount specified in NAC 445B.327.*

3. The director shall:

(a) Issue or deny an application for an administrative amendment within 30 days after receipt of the application.

(b) Send a copy of the administrative amendment to the administrator.

Sec. 2. NAC 445B.327 is hereby amended to read as follows:

445B.327 1. The fees for an operating permit are as follows:

- (a) Class I operating permit ~~[\$14,500]~~ *\$30,000*
- (b) Significant revision of a Class I operating permit ~~[7,500]~~ *20,000*
- (c) Minor revision of a Class I operating permit ~~[1,500]~~ *5,000*
- (d) Renewal of a Class I operating permit 5,000
- (e) Class II operating permit ~~[1,800]~~ *3,000*
- (f) Revision of a Class II operating permit ~~[900]~~ *2,000*
- (g) Renewal of a Class II operating permit ~~[700]~~ *2,000*
- (h) Class II general permit ~~[100]~~ *400*
- (i) Administrative amendment of an operating permit 200*

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An applicant must pay the entire fee when he submits an application to the director.

2. *If a stationary source is subject to participation in the program for the prevention of significant deterioration of air quality pursuant to 40 C.F.R. § 52.21, as incorporated by reference by NAC 445B.221, the owner or operator of that stationary source must obtain an operating permit. The fees for such an operating permit are as follows:*

(a) Permit for a stationary source subject to the program for the prevention of significant deterioration of air quality \$50,000

(b) Significant revision of a permit for a stationary source subject to the program for the prevention of significant deterioration of air quality 50,000

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An applicant must pay the entire fee when he submits an application to the director.

3. Except as otherwise provided in this subsection, the annual fee based on emissions for any stationary source is ~~[\$3.75]~~ *\$5.60* per ton times the total tons of each regulated pollutant, except carbon monoxide, emitted during the preceding calendar year. If a stationary source emitted less than 25 tons of all regulated air pollutants combined, except carbon monoxide, during the preceding calendar year, the holder of the operating permit is exempt from the fee required by this subsection for that stationary source.

~~[3.]~~ 4. To determine the fee set forth in subsection ~~[2.]~~ 3:

(a) Emissions must be calculated using:

(1) The emission unit's actual operating hours, rates of production and in-place control equipment;

(2) The types of materials processed, stored or combusted; and

(3) Data from:

(I) A test for emission compliance;

(II) A continuous emission monitor;

(III) The most recently published issue of "Compilation of Air Pollutant Emission Factors," EPA Publication No. AP-42; or

(IV) Other emission factors or methods which the director has validated; or

(b) If paragraph (a) does not apply to a stationary source that was in operation during the preceding calendar year, emissions must be calculated using the permitted allowable emissions for that stationary source.

~~[4.]~~ **5. The annual fee for maintenance of a stationary source is:**

(a) For a Class I source \$12,500

(b) For a Class II source that has the potential to emit 50 tons or more per year of any one regulated air pollutant except carbon monoxide 3,000

(c) For a Class II source that has the potential to emit 25 tons or more per year but less than 50 tons per year of any one regulated air pollutant except carbon monoxide 1,000

(d) For a Class II source that has the potential to emit less than 25 tons per year of any one regulated air pollutant except carbon monoxide 250

6. The department shall collect all fees required ~~[by subsection 2 no]~~ pursuant to subsections 3 and 5 not later than July 1 of each year.

~~[5. The fee required by subsection 2 is]~~

7. The fees required pursuant to subsections 3 and 5 are due and payable to the “Nevada State Treasurer, Environmental Protection” within 45 days after the date of the invoice.

Sec. 3. NAC 445B.331 is hereby amended to read as follows:

445B.331 1. The fee for the replacement of a lost or damaged operating permit is \$200.

2. The fee for a request for a change of the location of an emission unit is ~~[\$50.]~~ **\$100.** Such a request must be made in writing to the director and submitted with the fee for each operating permit at least 10 days before the commencement of the operation of the emission unit at the new location. An owner or operator must not operate the emission unit at the new location until the director approves the location.

Sec. 4. *Notwithstanding the provisions of NAC 445B.327, for the fees required pursuant to subsections 3 and 5 of NAC 445B.327 that are due in 1999, the department may collect half of the fees not later than July 1, 1999, and the remaining fees not later than January 30, 2000.*