

**LCB File No. R022-99**

**NEVADA STATE ENVIRONMENTAL COMMISSION  
NOTICE OF PUBLIC HEARING**

The Nevada State Environmental Commission will hold a public hearing beginning at **10:00 a.m. on Thursday, September 9, 1999**, at the Reno City Council Chambers, located at 490 South Center Street, **Reno**, Nevada.

The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, or repeal of regulations. If no person directly affected by the proposed action appears to request time to make an oral presentation, the State Environmental Commission may proceed immediately to act upon any written submission.

Petitions 1999-01, 1999-02, 1999-03, 1999-05, 1999-06, and 1999-07 have been previously adopted as temporary regulations by the Environmental Commission on December 9, 1998 or April 9, 1999. These regulations expire by limitation on November 1, 1999. These temporary regulations are before the Commission for permanent adoption.

**1. Petition 1999-01 (LCB R-017-99)** permanently amends NAC 445A.121, 445A.143, 445A.144, 445A.213 of the water pollution control regulations. The regulations are proposed to be amended to change the reference for limits in drinking water standards from the U.S. Public Health Service to those adopted by the Nevada State Board of Health. NAC 445A.143, the Colorado River salinity standards, is proposed to be amended to include the term "flow weighted average." NAC 445A.213, the minimum quality criteria applicable to interstate waters, is proposed to be repealed. Definitions for "annual mean flow" and "flow weighted annual average," sections 2 and 3 of the regulation, are being added since the adoption of the temporary regulation.

The proposed permanent regulation is not anticipated to have any significant adverse short or long term economic impact on Nevada businesses. The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public. The proposed regulations do not overlap or duplicate any regulations of another state or local governmental agency. The regulations are no more stringent than federal regulations. There is no additional cost to the agency for enforcement. This regulation does not add a new fee, nor increase an existing fee.

**2. Petition 1999-02 (LCB R-018-99)** is a permanent regulation amending NAC 445A.232 "fees" in the water pollution program by extending the date of expiration from June 30, 1999 to June 30, 2001. The portion of NAC 445A.232 effective from July 1, 1999 to June 30, 2001 is repealed, and that portion of NAC 445A.232 effective on July 1, 2001 is retained. This petition affects mining water pollution control discharge fees. This petition amends a 1997

Petition 1999-07 was submitted to the State Environmental Commission (SEC) on March 1, 1999 for adoption as a temporary regulation. Petition 1999-07 was adopted by the SEC on April 9, 1999. This temporary regulation was effective on April 15, 1999 upon filing with the Nevada Secretary of State. Temporary regulations expire by statute on November 1, 1999.

action where the fees were amended with three rolling escalating fee schedules between the time of adoption and the year 2001. Those mining water pollution control fees currently in effect are proposed to be retained until July 1, 2001. The intermediate fee schedule is proposed to be repealed by this action.

## **Page 2 - Notice of Environmental Commission Hearing for September 9, 1999**

The proposed permanent regulation is anticipated to have significant affirmative short or long term economic impact on Nevada businesses. The mining industry will see a decrease in the fees paid regarding mining water pollution control permits. The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public. The proposed regulations do not overlap or duplicate any regulations of another state or local governmental agency. The regulations are no more stringent than federal regulations. There is no additional cost to the agency for enforcement. This regulation does not add a new fee, nor increase an existing fee. The regulation decreases fees on the mining industry.

**3. Petition 1999-03 (LCB R-019-99)** is a permanent amendment to NAC 445B. The regulation amends NAC 445B.319, 445B.327 and 445B.331 by increasing air quality operating permit fees for administrative amendments, Class I and II operating permits and change of location permits. The regulation adds new fees for Prevention of Significant Deterioration (PSD) permits and major revisions to PSD permits. The regulation increases the annual emission fees and annual maintenance fees for all stationary sources.

The proposed permanent regulation is anticipated to have a significant economic impact on businesses in Nevada. The proposed fees will increase annual cost for all stationary sources regulated by the state by approximately \$ 1.1 million. The impact on each stationary source will vary widely depending upon the number of tons of air pollutants emitted by the sources. One stationary source will realize a substantial increase in annual fees due to the volume of their emissions. Fees for applications will also substantially increase. The fee structure will generate approximately \$ 1.9 million.

The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public. The proposed regulations do not overlap or duplicate any regulations of another state or local governmental agency. The regulations are no more stringent than federal regulations. There is no additional cost to the agency for enforcement of the regulation. Fees will pay for the State's air pollution control program, including staffing and operating costs.

**4. Petition 1999-05 (LCB R-020-99)** makes permanent amendments to NAC 445A.228 to 445A.292. The amendments clarify wording, remove outdated language, conforms the water pollution regulations to statutes, addresses who must sign a discharge monitoring permit, clarifies establishment of effluent limits and compliance schedules and provides for minor water control discharge permit modifications. The amendments also provide for the transfer of permits to new owners. NAC 445A.105 and 445A.246 are proposed to be repealed.

Petition 1999-07 was submitted to the State Environmental Commission (SEC) on March 1, 1999 for adoption as a temporary regulation. Petition 1999-07 was adopted by the SEC on April 9, 1999. This temporary regulation was effective on April 15, 1999 upon filing with the Nevada Secretary of State. Temporary regulations expire by statute on November 1, 1999.

### Page 3 - Notice of Environmental Commission Hearing for September 9, 1999

The proposed permanent regulation is not anticipated to have any significant adverse short or long term economic impact on Nevada businesses. The proposed regulation should make it easier for affected businesses to comply by simplifying the requirements for securing a water pollution control permit. The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public. The proposed regulations do not overlap or duplicate any regulations of another state or local governmental agency. The regulations are no more stringent than federal regulations. There is no additional cost to the agency for enforcement. This regulation does not add a new fee, nor increase an existing fee.

**5. Petition 1999-06 (LCB R-021-99)** proposes to permanently amend NAC 444.8901, 444.8906, 445A.347, and 459.9729 by removing the Division of Emergency Management in the Nevada Department of Motor Vehicles & Public Safety from the list of agencies required to be notified of spills and releases pursuant to Nevada's water pollution control regulations. The intent of this regulation is to provide for regulatory relief regarding the disclosure of spills and releases. Other emergency reporting requirements are not affected by this amendment.

The proposed permanent regulation is not anticipated to have any significant adverse short or long term economic impact on Nevada businesses. Businesses should find the process of reporting less burdensome. The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public. The proposed regulations do not overlap or duplicate any regulations of another state or local governmental agency. The regulations are no more stringent than federal regulations. There is no additional cost to the agency for enforcement. This regulation does not add a new fee, nor increase an existing fee.

**6. Petition 1999-07 (LCB R-022-99)** proposes to permanently amend NAC 445B.001 to 445B.395, the air pollution control regulations. Amendments are proposed to NAC 445.221 to update the reference to the Code of Federal Regulations from 1997 to 1998. The amendments to 445B.300 extends the expiration of an operating permit from one year to 18 months. NAC 445B.362 and 445B.373 are proposed to be amended to correct equation errors and add the term "maximum." NAC 445B.383 is amended to correct the references from cubic feet to yards.

The proposed permanent regulation is not anticipated to have any significant adverse short or long term economic impact on Nevada businesses. Businesses should find the process of reporting less burdensome. The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public. The proposed regulations do not overlap or duplicate any regulations of another state or local governmental agency. The regulations are no more stringent than federal regulations. The proposed amendments will make the Nevada air pollution control regulations consistent with the federal air pollution

Petition 1999-07 was submitted to the State Environmental Commission (SEC) on March 1, 1999 for adoption as a temporary regulation. Petition 1999-07 was adopted by the SEC on April 9, 1999. This temporary regulation was effective on April 15, 1999 upon filing with the Nevada Secretary of State. Temporary regulations expire by statute on November 1, 1999.

control rules. There is no additional cost to the agency for enforcement. This regulation does not add a new fee, nor increase an existing fee.

#### **Page 4 - Notice of Environmental Commission Hearing for September 9, 1999**

7. **Petition 1999-08 (R-070-99)** is a permanent regulation amending NAC 445A.055 through 445A.067, the laboratory certification program. The existing regulations are proposed to be repealed and supplanted with the standards of the National Environmental Laboratory Accreditation Program. The amended regulations provide for definitions, scope of accreditation, categories of certification, laboratory certification criteria, certification requirements, and proficiency testing requirements. The regulation adopts by reference many of the provisions that have been listed. Fees in NAC 445A.066 are retained and amended to reduce the fee for toxicity bioassays from \$ 400 to \$ 125. All other provisions from NAC 445A.055 to 445A.067 are proposed to be repealed.

The proposed permanent regulation is not anticipated to have any significant adverse short or long term economic impact on Nevada businesses. Businesses should find the process of water quality laboratory certifications to open competition in other states where the national standards have been adopted. Since these regulations provide for reciprocity with other states, Nevada businesses will see reduced costs in working in other states, and in securing federal contracts. The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public. The changes will be beneficial to the public since water quality measurements that affect the public health and environment will be more trustworthy. The proposed regulations do not overlap or duplicate any regulations of another state or local governmental agency. The regulations are no more stringent than federal regulations. The regulations will complement Safe Drinking Water Act regulations for laboratory certification. There is no additional cost to the agency for enforcement. This regulation does not add a new fee, nor increase an existing fee.

The State Environmental Commission will be hearing a **variance** request to NAC 445B, the air pollution control regulations, from the U.S. Department of Energy, Albuquerque Office for the fire experiment facility at the U.S. Air Force's Tonopah Test Range in south central Nevada. The variance relates to NAC 445B.354 (opacity) and 445B.362 (particulate emissions).

Pursuant to NRS 233B.0603(c) the provisions of NRS 233B.064 (2) is hereby provided:

“Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporation therein its reason for overruling the consideration urged against its adoption.”

Petition 1999-07 was submitted to the State Environmental Commission (SEC) on March 1, 1999 for adoption as a temporary regulation. Petition 1999-07 was adopted by the SEC on April 9, 1999. This temporary regulation was effective on April 15, 1999 upon filing with the Nevada Secretary of State. Temporary regulations expire by statute on November 1, 1999.

Persons wishing to comment upon the proposed regulation changes may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Environmental Commission, 333 West Nye Lane, Carson City, Nevada 89706-0851. Written submissions must be received at least five days before the scheduled public hearing.

**Page 5 - Notice of Environmental Commission Hearing for September 9, 1999**

A copy of the regulations to be adopted or amended will be on file at the State Library, 100 Stewart Street and the Division of Environmental Protection, 333 West Nye Lane - Room 104, in Carson City and at the Division of Environmental Protection, 555 E. Washington - Suite 4300, in Las Vegas for inspection by members of the public during business hours. In addition, copies of the regulations and public notice have been deposited at major library branches in each county in Nevada. The notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653. The proposed regulations are on the Internet at <http://www.leg.state.nv.us>. In addition, the State Environmental Commission maintains an Internet site at <http://www.state.nv.us/ndep/admin/envir01.htm>. This site contains the public notice, agenda, codified regulations, and petitions for pending and past commission actions.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of David Cowperthwaite, 333 West Nye Lane, Room 138, Carson City, Nevada, 89706-0851, facsimile (775) 687-5856, or by calling (775) 687-4670 Extension 3118, no later than 5:00 p.m. on **September 2, 1999**.

This public notice has been posted at the following locations: Clark County Public Library and Grant Sawyer Office Building in Las Vegas; Reno City Council Chambers and Washoe County Library in Reno; and Division of Environmental Protection and Department of Museums, Library and Arts in Carson City.

Petition 1999-07 was submitted to the State Environmental Commission (SEC) on March 1, 1999 for adoption as a temporary regulation. Petition 1999-07 was adopted by the SEC on April 9, 1999. This temporary regulation was effective on April 15, 1999 upon filing with the Nevada Secretary of State. Temporary regulations expire by statute on November 1, 1999.

# PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

Petition 1999-07

Explanation: Matter in italics is new language. Matter in ~~H~~ is material to be omitted.

AUTHORITY: NRS 445B.210 and NRS 445B.300

**Section 1.** NAC 445B.221 is hereby amended to read as follows:

445B.221 1. Title 40 C.F.R. §§ 51.100(s), 51.100(hh) to 51.100(kk), inclusive, 51.100(nn), 51.165 and 52.21, and Appendix S and Appendix W of Title 40 C.F.R. Part 51 are hereby adopted by reference as they existed on July 1, ~~1997~~ 1998.

2. The following subparts of Title 40 C.F.R. Part 60 are hereby adopted by reference as they existed on July 1, ~~1997~~ 1998:

- (a) Subpart A, General Provisions.
- (b) Subpart D, Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971.
- (c) Subpart Da, Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.
- (d) Subpart Db, Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.
- (e) Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.
- (f) Subpart E, Standards of Performance for Incinerators.
- (g) Subpart Ea, Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994.
- (h) Subpart F, Standards of Performance for Portland Cement Plants.
- (i) Subpart G, Standards of Performance for Nitric Acid Plants.
- (j) Subpart H, Standards of Performance for Sulfuric Acid Plants.
- (k) Subpart I, Standards of Performance for Hot Mix Asphalt Facilities.
- (l) Subpart J, Standards of Performance for Petroleum Refineries.
- (m) Subpart K, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.
- (n) Subpart Ka, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.
- (o) Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.
- (p) Subpart L, Standards of Performance for Secondary Lead Smelters.
- (q) Subpart M, Standards of Performance for Secondary Brass and Bronze Production Plants.
  
- (r) Subpart N, Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.

Petition 1999-07 was submitted to the State Environmental Commission (SEC) on March 1, 1999 for adoption as a temporary regulation. Petition 1999-07 was adopted by the SEC on April 9, 1999. This temporary regulation was effective on April 15, 1999 upon filing with the Nevada Secretary of State. Temporary regulations expire by statute on November 1, 1999.

- (s) Subpart Na, Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.
- (t) Subpart O, Standards of Performance for Sewage Treatment Plants.
- (u) Subpart P, Standards of Performance for Primary Copper Smelters.
- (v) Subpart Q, Standards of Performance for Primary Zinc Smelters.
- (w) Subpart R, Standards of Performance for Primary Lead Smelters.
- (x) Subpart S, Standards of Performance for Primary Aluminum Reduction Plants.
- (y) Subpart T, Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
- (z) Subpart U, Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
- (aa) Subpart V, Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
- (bb) Subpart W, Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.
- (cc) Subpart X, Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
- (dd) Subpart Y, Standards of Performance for Coal Preparation Plants.
- (ee) Subpart Z, Standards of Performance for Ferroalloy Production Facilities.
- (ff) Subpart AA, Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983.
- (gg) Subpart AAa, Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.
- (hh) Subpart BB, Standards of Performance for Kraft Pulp Mills.
- (ii) Subpart CC, Standards of Performance for Glass Manufacturing Plants.
- (jj) Subpart DD, Standards of Performance for Grain Elevators.
- (kk) Subpart EE, Standards of Performance for Surface Coating of Metal Furniture.
- (ll) Subpart GG, Standards of Performance for Stationary Gas Turbines.
- (mm) Subpart HH, Standards of Performance for Lime Manufacturing Plants.
- (nn) Subpart KK, Standards of Performance for Lead-Acid Battery Manufacturing Plants.
- (oo) Subpart LL, Standards of Performance for Metallic Mineral Processing Plants.
- (pp) Subpart MM, Standards of Performance for Automobile and Light-Duty Truck Surface Coating Operations.
- (qq) Subpart NN, Standards of Performance for Phosphate Rock Plants.
- (rr) Subpart PP, Standards of Performance for Ammonium Sulfate Manufacture.
- (ss) Subpart QQ, Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.
- (tt) Subpart RR, Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
- (uu) Subpart SS, Standards of Performance for Industrial Surface Coating: Large Appliances.
- (vv) Subpart TT, Standards of Performance for Metal Coil Surface Coating.
- (ww) Subpart UU, Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.
- (xx) Subpart VV, Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
- (yy) Subpart WW, Standards of Performance for the Beverage Can Surface Coating Industry.
- (zz) Subpart XX, Standards of Performance for Bulk Gasoline Terminals.

Petition 1999-07 was submitted to the State Environmental Commission (SEC) on March 1, 1999 for adoption as a temporary regulation. Petition 1999-07 was adopted by the SEC on April 9, 1999. This temporary regulation was effective on April 15, 1999 upon filing with the Nevada Secretary of State. Temporary regulations expire by statute on November 1, 1999.

(aaa) Subpart DDD, Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.

(bbb) Subpart FFF, Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.

(ccc) Subpart GGG, Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.

(ddd) Subpart HHH, Standards of Performance for Synthetic Fiber Production Facilities.

(eee) Subpart III, Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.

(fff) Subpart JJJ, Standards of Performance for Petroleum Dry Cleaners.

(ggg) Subpart KKK, Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.

(hhh) Subpart LLL, Standards of Performance for Onshore Natural Gas Processing: SO<sub>2</sub> Emissions.

(iii) Subpart NNN, Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.

(jjj) Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

(kkk) Subpart PPP, Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants.

(lll) Subpart UUU, Standards of Performance for Calciners and Dryers in Mineral Industries.

(mmm) Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills.

3. Title 40 C.F.R. Part 60, Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996, is hereby adopted by reference as it existed on September 15, 1997. A copy of Subpart Ec may be obtained free of charge from the Nevada Bureau of Air Quality, 333 West Nye Lane, Carson City, Nevada 89706-0851.

4. The following subparts of Title 40 C.F.R. Part 61 are hereby adopted by reference as they existed on July 1, ~~1997~~ 1998:

(a) Subpart A, General Provisions.

(b) Subpart C, National Emission Standard for Beryllium.

(c) Subpart D, National Emission Standard for Beryllium Rocket Motor Firing.

(d) Subpart E, National Emission Standard for Mercury.

(e) Subpart F, National Emission Standard for Vinyl Chloride.

(f) Subpart BB, National Emission Standard for Benzene Emissions from Benzene Transfer Operations.

(g) Subpart FF, National Emission Standard for Benzene Waste Operations.

5. The following subparts of Title 40 C.F.R. Part 63 are hereby adopted by reference as they existed on July 1, ~~1997~~ 1998:

(a) Subpart A, General Provisions.

(b) Subpart B, Requirements for Control Technology Determinations, sections 63.40 to 63.44, inclusive.

(c) Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.

(d) Subpart N, National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

Petition 1999-07 was submitted to the State Environmental Commission (SEC) on March 1, 1999 for adoption as a temporary regulation. Petition 1999-07 was adopted by the SEC on April 9, 1999. This temporary regulation was effective on April 15, 1999 upon filing with the Nevada Secretary of State. Temporary regulations expire by statute on November 1, 1999.



- (e) Subpart Q, National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.
- (f) Subpart T, National Emission Standards for Halogenated Solvent Cleaning.
- (g) Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations.
- (h) Subpart KK, National Emission Standards for the Printing and Publishing Industry.
- (i) Subpart OO, National Emission Standards for Tanks - Level 1.
- (j) Subpart PP, National Emission Standards for Containers.
- (k) Subpart QQ, National Emission Standards for Surface Impoundments.
- (l) Subpart RR, National Emission Standards for Individual Drain Systems.
- (m) Subpart VV, National Emission Standards for Oil-Water Separators and Organic-Water Separators.

6. Title 40 C.F.R. Part 72 is hereby adopted by reference as it existed on ~~January 1~~ July 1, 1998. If the provisions of 40 C.F.R. Part 72 conflict with or are not included in NAC 445B.001 to 445B.395, inclusive, the provisions of 40 C.F.R. Part 72 apply.

7. Title 40 C.F.R. Part 76 is hereby adopted by reference as it existed on ~~January 1~~ July 1, 1998. If the provisions of 40 C.F.R. Part 76 conflict with or are not included in NAC 445B.001 to 445B.395, inclusive, the provisions of 40 C.F.R. Part 76 apply.

8. Title 42 of the United States Code, section 7412(b), List of Hazardous Air Pollutants, and the amendments to section 7412 contained in 40 C.F.R. Part 63, Subpart C, are hereby adopted by reference as they existed on July 1, ~~1997~~ 1998.

9. The "Standard Industrial Classification Manual," 1987 edition, published by the United States Office of Management and Budget, is hereby adopted by reference. A copy of the manual may be obtained from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954 or 301 Second, Marathon Plaza, Suite 1415, San Francisco, California 94107-1366, for the price of \$29.

10. Except as otherwise provided in subsections 3 and 9, a copy of the publications which contain these provisions may be obtained from the:

(a) Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954 or 301 Second, Marathon Plaza, Suite 1415, San Francisco, California 94107-1366. The price is:

(1) For the volume containing §§ 51.100(s), 51.100(hh) to 51.100(kk), inclusive, 51.100(nn), 51.165 and Appendices S and W of Part 51.....	\$23
(2) For § 52.21 .....	32
(3) For Part 60.....	52
(4) For Part 61.....	19
(5) For Part 63.....	57
(6) For the volume containing Parts 72 and 76 .....	35
(b) Division of state library and archives of the department of museums, library and arts for 15 cents per page.	

11. For the purposes of the provisions of Parts 60, 61 and 63, Chapter I, Title 40, Code of Federal Regulations adopted pursuant to this section, the director may not approve alternate or equivalent test methods or alternative standards or work practices.

12. Except as otherwise provided in subsections 6 and 7, the provisions adopted by reference in this section supersede the requirements of NAC 445B.001 to 445B.395, inclusive, for all stationary sources subject to the provisions adopted by reference only if those requirements adopted by reference are more stringent.

13. For the purposes of this section, "administrator" as used in the provisions of Parts 60, 61 and 63, Chapter I, Title 40, Code of Federal Regulations adopted pursuant to this section means the director.

Petition 1999-07 was submitted to the State Environmental Commission (SEC) on March 1, 1999 for adoption as a temporary regulation. Petition 1999-07 was adopted by the SEC on April 9, 1999. This temporary regulation was effective on April 15, 1999 upon filing with the Nevada Secretary of State. Temporary regulations expire by statute on November 1, 1999.

**Section 2.** NAC 445B.300 is hereby amended to read as follows:

445B.300 1. Except as otherwise provided in this subsection and NAC 445B.303, within 60 calendar days after the date on which an application for a Class I operating permit or for the significant revision of such an operating permit is received, the director shall determine if the application is complete. If substantial additional information is required, the director shall determine that the application is incomplete and return the application to the applicant. If substantial additional information is not required, the director shall determine that the application is complete. Unless the director determines that the application is incomplete within 60 days after the date of receipt, the official date of submittal shall be deemed to be the date on which the director determines that the application is complete or 61 days after the date of receipt, whichever is earlier.

2. Except as otherwise provided in this subsection and NAC 445B.303, within 180 calendar days after the official date of submittal of an application for a Class I operating permit or for the revision of a Class I operating permit, the director shall make a preliminary determination to issue or deny the operating permit or the revision of the operating permit. The director shall give preliminary notice of his intent to issue or deny the operating permit or the revision of the operating permit within 180 calendar days after the official date of submittal.

3. Within 10 working days after the receipt of an application for a minor revision of a Class I operating permit, the director shall determine if the application is complete. If substantial additional information is required, the director shall determine the application to be incomplete and return the application to the applicant. If substantial additional information is not required, the director shall determine the application to be complete. Unless the director determines that the application is incomplete within 10 working days after the date on which the director receives the application, the official date of submittal is the date on which the director determines that the application is complete, or 11 working days after the date of receipt, whichever is earlier.

4. Except as otherwise provided in NAC 445B.319 and 445B.320, within 10 working days after the date of receipt of an application for a Class II operating permit or for the revision of a Class II operating permit, the director shall determine if the application is complete. If substantial additional information is required, the director shall determine that the application is incomplete and return the application to the applicant. If substantial additional information is not required, the director shall determine the application to be complete. Unless the director determines that the application is incomplete within 10 working days after the date of receipt of the application, the official date of submittal of the application shall be deemed to be the date on which the director determines that the application is complete or 11 working days after the date of receipt, whichever is earlier. Within 60 days after the official date of submittal, the director shall issue or deny such an operating permit or the revision of such an operating permit.

5. If, after the official date of submittal, the director discovers that additional information is required to act on the application, the director may request additional information necessary to determine whether the proposed operation will comply with all of the requirements set forth in NAC 445B.001 to 445B.395, inclusive. The applicant must provide in writing any additional information that the director requests within the time specified in the request of the director. Any delay in the submittal of the requested information will result in a corresponding delay in the action of the director on the application submitted to the director pursuant to subsection 1, 2 or 10.

6. The director's review and preliminary intent to issue or deny a Class I operating permit and the proposed conditions for the operating permit must be made public and maintained on file with the director during normal business hours at 333 West Nye Lane, Carson City,

Petition 1999-07 was submitted to the State Environmental Commission (SEC) on March 1, 1999 for adoption as a temporary regulation. Petition 1999-07 was adopted by the SEC on April 9, 1999. This temporary regulation was effective on April 15, 1999 upon filing with the Nevada Secretary of State. Temporary regulations expire by statute on November 1, 1999.

Nevada, and in the air quality region where the source is located for 30 calendar days to enable public participation and comment and a review by any affected states.

7. The director shall:

(a) Cause to be published a prominent advertisement in a newspaper of general circulation in the area in which the stationary source is located or in a state publication designed to give general public notice;

(b) Provide written notice to:

(1) Persons on a mailing list developed by the director, including those persons who request in writing to be included on the list; and

(2) Any affected state;

(c) Provide notice by other means if necessary to ensure that adequate notice is given to the public and affected states;

(d) Provide a copy of the director's review of the application, the director's preliminary intent to issue or deny the operating permit and the proposed operating permit to the administrator; and

(e) Establish a 30-day period for public comment.

8. Except as otherwise provided in NAC 445B.321, the provisions of subsections 6 and 7 do not apply to an administrative amendment to a permit made pursuant to NAC 445B.319, a change without revision to a permit made pursuant to NAC 445B.320 or a minor revision of a Class I operating permit made pursuant to NAC 445B.321.

9. The notice required pursuant to subsection 7 must identify:

(a) The affected facility and the name and address of the applicant;

(b) The name and address of the authority processing the operating permit;

(c) The activity or activities involved in the operating permit and the emissions change involved in any revision of the operating permit;

(d) The name, address and telephone number of a person from whom interested persons may obtain additional information, including copies of the proposed conditions for the operating permit, the application, all relevant supporting materials and all other materials which are available to the authority that is processing the operating permit and which are relevant to the determination of the issuance of the operating permit; and

(e) A brief description of the procedures for public comment and the time and place of any hearing that may be held, including a statement of the procedures to request a hearing.

10. All comments on the director's review and preliminary intent for issuance or denial must be submitted in writing to the director within 30 calendar days after the public announcement. The director shall give notice of any public hearing at least 30 days before the date of the hearing. The director shall keep a record of the names of any persons who made comments and of the issues raised during the process for public participation.

11. Except as otherwise provided in subsection 12 and NAC 445B.319, 445B.320 and 445B.321, within 12 months after the official date of submittal of a Class I-B application, the director shall issue or deny the application for an operating permit or for a revision of the operating permit. The director shall make his decision by taking into account written comments from the public, affected states, and the administrator and the comments made during public hearings on the director's review and preliminary intent for issuance or denial, information submitted by proponents of the project and the effect of such a facility on the maintenance of the state, and national ambient air quality standards contained in NAC 445B.391 and the control strategy contained in the air quality plan. The director shall send a copy of the final permit to the administrator.

12. For stationary sources subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, adopted pursuant to NAC 445B.221, the

Petition 1999-07 was submitted to the State Environmental Commission (SEC) on March 1, 1999 for adoption as a temporary regulation. Petition 1999-07 was adopted by the SEC on April 9, 1999. This temporary regulation was effective on April 15, 1999 upon filing with the Nevada Secretary of State. Temporary regulations expire by statute on November 1, 1999.

director shall issue or deny an application for an operating permit, or for the revision or renewal of such an operating permit, within 12 months after receiving a complete application.

13. The director shall not issue an operating permit, or a revision of or a renewal of an operating permit, if the administrator objects to its issuance in writing within 45 days after the administrator's receipt of the proposed conditions for the operating permit and the necessary supporting information.

14. Any person may petition the administrator to request that he object to an operating permit as provided in 40 C.F.R. § 70.8(d).

15. If the administrator objects to the issuance of an operating permit of his own accord or in response to a public petition, the director shall submit revised proposed conditions for the operating permit in response to the objection within 90 days after the date on which he is notified of the objection.

16. An operating permit or the revision of an operating permit for a new or modified stationary source, other than a stationary source subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, expires if construction is not commenced within ~~[1-year]~~ *18 months* after the date of issuance thereof or construction of the facility is delayed for ~~[1-year]~~ *18 months* after initiated. *The director may extend the 18 month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected commencement date approved by the director.*

**Section 3.** NAC 445B.362 is hereby amended to read as follows:

445B.362 1. No person may cause or permit the emission of PM10 resulting from the combustion of fuel in fuel-burning equipment in excess of the quantity set forth in the following formulas:

(a) For *maximum* input of heat equal to or greater than 4 million Btu's per hour, but less than or equal to 10 million Btu's per hour, the allowable emission is 0.6 of a pound per million Btu's of input of heat.

(b) For *maximum* input of heat greater than 10 million Btu's per hour, but less than 4,000 million Btu's per hour, the allowable emissions must be calculated using the following equation:

$$Y = 1.02X - 0.231$$

(c) For *maximum* input of heat equal to or greater than 4,000 million Btu's per hour, the emission must be calculated using the following equation:

$$Y = 17.0X - 0.568$$

2. For the purposes of paragraphs (b) and (c) of subsection 1:

(a) "X" means the *maximum* operating rate in million Btu's per hour.

(b) "Y" means the allowable rate of emission in pounds per million Btu's.

**Section 4.** NAC 445B.373 is hereby amended to read as follows:

445B.373 1. No person may cause or permit the emission of compounds of sulfur caused by the combustion of fuel in fuel-burning equipment in excess of the quantity calculated by the use of the formula in subsection 2 or 3.

Petition 1999-07 was submitted to the State Environmental Commission (SEC) on March 1, 1999 for adoption as a temporary regulation. Petition 1999-07 was adopted by the SEC on April 9, 1999. This temporary regulation was effective on April 15, 1999 upon filing with the Nevada Secretary of State. Temporary regulations expire by statute on November 1, 1999.

2. Where an emission unit has a total *maximum* input of heat of less than 250 million Btu's per hour, the allowable emission must be calculated by the use of the following equation:

$$Y = 0.7X$$

For the purposes of this subsection:

- (a) "X" means the *maximum* operating input of heat in millions of Btu's per hour.
- (b) "Y" means the allowable rate of emission of sulfur in pounds per hour.

3. Where an emission unit has a total *maximum* input of heat equal to or greater than 250 million Btu's per hour, the allowable emission of sulfur must be calculated by the use of the following equations:

Liquid fuel	$Y = 0.4X$
Solid fuel	$Y = 0.6X$
Combination	$L (0.4) + S (0.6)$
Fuel	$Y = \frac{\quad}{L + S}$

For the purposes of this subsection:

- (a) "X" means the *maximum* input of the operation in millions of Btu's per hour.
- (b) "Y" means the allowable rate of emissions of sulfur in pounds per hour.
- (c) "L" means the percentage of total input of heat derived from liquid fuel.
- (d) "S" means the percentage of total input of heat derived from solid fuel.

**Section 5.** NAC 445B.383 is hereby amended to read as follows:

445B.383 1. Except as otherwise provided in subsections 2 and 3, a municipal solid waste landfill must:

(a) Install a system designed to collect and control the emission of nonmethane organic compounds not later than 30 months after the date on which the rate of emission of nonmethane organic compounds by the municipal solid waste landfill is equal to or greater than 55.125 tons per year. The system designed to collect and control the emission of nonmethane organic compounds must meet the requirements set forth in 40 C.F.R. § 60.752(b)(2)(ii) and must have:

(1) A flare designed and operated pursuant to 40 C.F.R. § 60.18;

(2) An enclosed combustor designed and operated to reduce the concentration of nonmethane organic compounds at the outlet to no more than 20 parts per million as hexane by volume, dry basis at 3 percent oxygen; or

(3) A system of emission control designed and operated to reduce the emission of nonmethane organic compounds by 98 weight percent.

(b) Comply with the requirements set forth in 40 C.F.R. § 60.753, 40 C.F.R. § 60.755 and 40 C.F.R. § 60.756.

(c) Maintain records and submit reports pursuant to 40 C.F.R. § 60.757 and 40 C.F.R. § 60.758, as applicable, except as otherwise provided in 40 C.F.R. § 60.24.

2. A municipal solid waste landfill is exempt from the provisions of subsection 1 if the municipal solid waste landfill is not and was not the site of construction, reconstruction or modification that commenced before May 30, 1991.

3. A municipal solid waste landfill is exempt from the provisions of paragraphs (a) and (b) of subsection 1 if the municipal solid waste landfill:

(a) Did not accept waste on or after November 8, 1987, and has a design capacity that does not allow for a deposit of waste in the future;

Petition 1999-07 was submitted to the State Environmental Commission (SEC) on March 1, 1999 for adoption as a temporary regulation. Petition 1999-07 was adopted by the SEC on April 9, 1999. This temporary regulation was effective on April 15, 1999 upon filing with the Nevada Secretary of State. Temporary regulations expire by statute on November 1, 1999.

(b) Has a design capacity less than 2.756 million tons if the design capacity is calculated in tons, less than 3.27 million cubic ~~feet~~ yards if the design capacity is calculated in cubic ~~feet~~ yards, or less than 2.756 million tons and 3.27 million cubic ~~feet~~ yards if the design capacity is calculated in both tons and cubic ~~feet~~ yards; or

(c) Has a rate of emission of nonmethane organic compounds that is less than 55.125 tons per year.

4. For the purposes of this section:

(a) The design capacity of a municipal solid waste landfill may be calculated solely in either tons or cubic ~~feet~~ yards. A conversion of density, if any, must be documented and included with the calculation of design capacity.

(b) The rate of emission of nonmethane organic compounds must be calculated pursuant to 40 C.F.R. § 60.754, as applicable.

5. As used in this section:

(a) “Design capacity” has the meaning ascribed to it in 40 C.F.R. § 60.751.

(b) “Enclosed combustor” has the meaning ascribed to it in 40 C.F.R. § 60.751.

(c) “Flare” has the meaning ascribed to it in 40 C.F.R. § 60.751.

(d) “Municipal solid waste landfill” has the meaning ascribed to it in 40 C.F.R. § 60.31c.